Supreme Court, U.S.
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No. ____

In the Supreme Court of the United States

EUGENE ANDREW WRONA,
Petitioner

v.

SUPREME COURT OF PENNSYLVANIA,
GOVERNOR OF PENNSYLVANIA,
ATTORNEY GENERAL OF PENNSYLVANIA
Respondents

On Petition for a Writ of Certiorari to The Supreme Court of Pennsylvania

PETITION FOR WRIT OF CERTIORARI

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PA SUPREME COURT ID # 67880

QUESTIONS PRESENTED FOR REVIEW

The questions arise from a State disciplinary action against an attorney asserting rights under the First Amendment of speech critical of government. The disciplinary action arose in retaliation for the same attorney exposing additional violations of the Code of Judicial Conduct.

1. Whether a State's procedural rules for attorney discipline although fair on their face, are repugnant to the Constitution or are unconstitutional as vague and ambiguous for failure to protect First Amendment rights of attorney free speech and Fourteenth Amendment due process rights, and whether the administration of those rules violate the equal protection clause of the Fourteenth Amendment as held in this Court's determination in *Yick Wo v. Hopkins*, 118 U.S. 356 (1886)?

2. Whether a State court of last resort entered an order that denies a person the right of appeal as articulated in Article V, Section 9 of the State Constitution?

3. Whether a State court of last resort entered an order that is inconsistent with a decision resolving the same important provisions of the First Amendment as decided by this Court in *Gentile v. State Bar of Nevada*, 501 U.S. 1030 (1991)?

4. Whether a State agency conducting quasi-judicial hearings through a 'prosecutor' not in compliance with valid legislation exercised its authority illegitimately?

PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

To wit:

The Supreme Court of Pennsylvania
John A. Vaskov, Esq. – Deputy Prothonotary
801 City-County Building
Pittsburgh , PA 15219

The Honorable Edward G. Rendell
Governor -- Commonwealth of Pennsylvania
225 Main Capitol
Harrisburg, PA 17120

The Honorable Tom Corbett
Attorney General of Pennsylvania
1600 Strawberry Square
Harrisburg, PA 17120

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Eugene A. Wrona respectfully petitions for a writ of certiorari to review an Order entered in the Supreme Court of Pennsylvania after DENYing Petitioner the right of appeal or a judicial review from an administrative agency.

OPINIONS BELOW

The Order from the Supreme Court of Pennsylvania is not reported and is reproduced as Appendix A at 1a. The Order was entered without a supporting Opinion.

No Opinions have been filed in any State court.

JURISDICTION

[**X**] For cases from **state courts**:

The date on which the highest state court decided my case was June 29, 2006. The Order DENIED the statutory right of appeal, and entered the recommended order of the State Disciplinary Board ("Board").

Appendix B contains a copy of the Report and Recommendation of the Disciplinary Board ("DB Report"), the "recommended order" of the Board, Expenses assessed, and Petitioner's Answer to the DB Report.

No Opinion was filed with the Order.

[**X**] A timely Petition for Review and demand for oral argument before the Pennsylvania Supreme Court was submitted. The Board saw no need for review. The State's highest court entered an order that Denies the right of appeal, in violation of Petitioner's rights under Article V, Section 9 of the Constitution of Pennsylvania.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a)[1] for review of a final judgment or decree by the highest court of a State questioning whether the decision is in conflict with a decision of this Court; whether the decision is in conflict with constitutional provisions or the legitimate jurisdiction of the State; whether the attorney disciplinary enforcement rules are repugnant to the Constitution and are administered "with a heavy hand and an evil eye"; and whether those rules intrude on the protected free speech under the First Amendment.

INTRODUCTION

This case concerns the constitutional rights of an attorney asserting his First Amendment right to speech critical of the government, and the deprivation of rights under the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of which he was deprived by the heavy handed prosecution of the case by the Office of Disciplinary Counsel ("ODC") of the Pennsylvania Disciplinary Board contrary to or in violation of Law as secured by decisions in this Court.

We have held that "in cases raising First Amendment issues ... an appellate court has an obligation to 'make an independent examination of the whole record' in

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[1] 28 U.S.C. §1257(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

order to make sure that 'the judgment does not constitute a forbidden intrusion on the field of free expression.'" *Gentile v. State Bar of Nevada*, 111 S. Ct. 2720, 501 U.S. 1030, 115 L. Ed. 2d 888, 59 U.S.L.W. 4858, 1991. SCT. 43663, citing *Bose Corp. v. Consumers Union of United States, Inc.*, 466 U.S. 485, 499 (1984), (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 284-286 (1964)).

"Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the equal protection clause of the Fourteenth Amendment." Yick Wo v. Hopkins, 118 US 356 (1886).

"The Supreme Court has long emphasized "the special role played by the American prosecutor in the search for truth in criminal trials." *Strickler v. Greene*, 527 U.S. 263, 281 (1999).
The prosecuting attorney represents a sovereign whose obligation is to govern impartially and whose interest in a particular case is not necessarily to win, but to do justice. . . . Id.

The State brought disciplinary action against petitioner in retaliation for his accusations against judges and the court for criminal alteration of court records to support pre-determined outcomes of family law cases, and for accusing a judge of violating the Code of Judicial Conduct while assisting an attorney violate the Rules of Professional Conduct.

"Government officials are barred from bringing charges they would not have pursued absent retaliatory motive, regardless of whether they had probable cause." *Moore v. Hartman*, No. 03-5241 (D.C. Cir. Nov. 09, 2004).

The Order in question is decided contrary to settled principles of law as decided in this Court and subordinate federal and state courts for the protection of an individual's civil rights. Under *Moore*, the disciplinary action must be barred as retaliatory. The order must be overturned.

STATEMENT OF THE CASE

This Statement of the Case is expanded to correct misrepresentation of fact in the DB Report. See DB Report and Petitioner's Answer, Appendix B.

Petitioner seeks a Writ of Certiorari from a State [administrative] judgment entered without appellate review before any court of Law. He was prosecuted "under color of law" for allegedly violating Rules of Professional Conduct 8.2(b) et al. See Appendix L.

Petitioner raised federal question issues during hearings and in documents filed in the record. The questions raised remain unanswered by the hearing panel and by the Disciplinary Board in its Report. Petitioner argued these questions a Disciplinary Board panel hearing oral argument, which was admitted as part of the record in written form. The DB Report neglects to answer or address the deprivation of Petitioner's rights under the Constitution.

Petitioner has the right to raise constitutional rights questions before a court of Law and the right to ANSWER the DB Report. The "whole record" is incomplete.

The Supreme Court entered the order without an Opinion. The order Denies Petitioner's right of appeal and assesses punitive costs, a due process issue. The order was entered without "an independent examination of the whole record" as required under *Gentile*, supra.

Disciplinary proceedings were conducted with reckless disregard of petitioner's rights, violating his civil and constitutional rights under the federal and State Constitutions. See *Yick Wo*, supra.

The transcribed record of the disciplinary proceedings was altered (edited), rendering it useless as a reliable reference. See 18 Pa.C.S. § 4911, Appendix L.

A. Factual Background.

This expanded factual background is necessary to correct misleading and distorted facts published in the DB Report. Appendix B.

Petitioner first appeared before the lower court on September 24, 1997, a child support case [Ternigan v. Hamoui]. The court (William E. Ford, J.) affirmed the Domestic Relations interim order and also found defendant in contempt despite the fact that defendant was in full compliance with the interim support order. Attorney Maurer brought the contempt issue before the court.

The audio tape record of the proceeding was illegally edited with more than ten (10) material edits. It was subsequently revealed [2NT, page 71] that Judge Ford took custody of the audio tape prior to being transcribed. Judge Ford concealed this information in a 1998 correspondence.

Defendant (Hamoui) moved to disqualify opposing counsel because she serves as solicitor. Judge Ford Denied the motion on grounds that no action was pending there.

In 1998, Petitioner began seeking an audio expert to conduct a forensic examination of the audio tape. He located an audio technician who agreed that the audio was edited, but lacked credentials to testify in court to the alterations.

March 4, 1999, defendant filed to modify child support. The Supreme Court promulgated Amended support guidelines, effective April 1, 1999.

Domestic Relations applied the amended guidelines *ex post facto*. An appeal for a *de novo* hearing was entered.

Petitioner again moved to disqualify the solicitor. Attorney Maurer Denied that she was a solicitor, and Judge Edward D. Reibman Denied that she was a solicitor.

Attorney Maurer testified at the disciplinary hearing that in 1997 she was a solicitor under a Title IV-D contract with Lehigh County [1NT, page 224].

The support case was assigned to Judge Alan M. Black. A support hearing was scheduled for October 20, 1999.

Petitioner challenged the application of the amended support guidelines, asserting that the court should apply the support guidelines in effect the date the petition was filed.

Judge Black responded "**We have what we have.**"

This remark was deleted from the audio record. Hamoui executed an affidavit and testified [October 20, 2000] that Judge Black stated "We have what we have."

At the termination of the first hearing, Petitioner asked the court for an "immediate" copy of the audio tape of the hearing, which Judge Black DENIED.

The hearing was continued until January 12, 2000, when the judge announced he would hear "argument" only. At Petitioner's request, Reginald Wrona attended the January proceeding as a spectator to witness any potential discrepancies in the transcribed record.

Plaintiff did not testify in the case. Her credibility was never tested by Defendant, despite his demands, a due process issue. Cites omitted.

During argument, defendant's "income" was modified on "testimony" of the solicitor, admitting new evidence. The court imputed income to Hamoui's wife despite testimony to the contrary, and imputed income from EIC Tax credit for Hamoui's children in the second household, a reprehensible redistribution of money contrary to the intent of the IRS.

The court failed to apply the same interpretations of law to Plaintiff's income, an equal protection of law issue.

On January 28, 2000, Petitioner appeared for "Motions Court" to request copies of the audio tapes of the October 20, 1999 and January 12, 2000 hearings. Judge Black entertained the motion "in camera" and DENIED Petitioner's request. See Appendix K for Petitioner's contemporaneous notes.

On March 28, 2000, Judge Black entered an order affirming the support award, applying support guidelines *ex post facto* and using adjusted incomes for defendant, etc. The Opinion infers that the support guidelines were amended prior to the filing date of defendant's Petition to Modify, and includes other material distortions of fact.

Defendant appealed, alleging a "predetermined outcome" among several fundamental rights issues. Opposing counsel did not file a Brief. Motions to "correct the record" were filed consistent with appellate court rules.

The appellate court "waived" every issue appealed under a "criminal court" case law. It affirmed the lower court without reaching the merits, depriving Hamoui the right of appeal. See PA Const., Appendix L.

In May of 2000, Petitioner received the transcribed Notes of both hearings, when he first became aware of material discrepancies in the transcribed record, a criminal law issue. See 18 Pa.C.S. § 4911, Appendix L.

On October 2, 2000, Petitioner presented a motion to correct, demanding that the court take "judicial notice" of material facts reported in error, citing Pa. Rules of Evidence 201. Judge Black refused to take "judicial notice" as mandated by Rule 201. He continued the hearing because Attorney Maurer failed to appear.

Petitioner requested an immediate copy of the audio record of this hearing. Court monitor Diane Snell and Judge Black responded that the machine used to copy audio tapes was broken,[2] but that he would inform Petitioner as soon as it was repaired. No such information was provided, and the machine was not "broken" as reported.

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[2] In September 2000, court monitor Diane Snell informed Petitioner that when he next asked for a copy of audio, the "tape-copying machine would be broken". Judge Black was a conspirator in this charade. Kimberly Brader was the only other witness to this verbal exchange, which explains why it was not revealed during the hearing.

The audio record for the October 2, 2000 motions court hearing was edited. See 18 Pa.C.S. § 4911, Appendix L.

Immediately following the court proceeding, Hamoui and Petitioner went directly to the District Attorney's office attempting to file charges against the court for criminal alteration of audio records for October 1999 and January 2000 hearings. Chief Detective Steckel refused to permit filing charges against the court, and escorted the parties from the D.A.'s office, an obstruction of justice.

On October 20th, Hamoui and Reginald Wrona testified to material discrepancies in the transcribed Notes of support hearings, including the remark "We have what we have." Their testimony is unrefuted. The transcribed record matches the audio record of the hearings.

Judge Black does not deny uttering the remark.

For this hearing, Judge Black arranged to switch court monitors to enable Diane Snell to testify to audio tape control procedures.

On cross-examination, Diane Snell testified that she gave the audio tapes to Judge Black prior to transcribing them. When questioned as to whether she could then certify the integrity of the record, Judge Black interceded and ultimately recused himself after being held accountable for the integrity of the audio via an analogy with a "bailee".

Upon recusal, Judge Black stated "I can't wait to testify."

Months prior to the transcription of the audio, Reginald Wrona executed an affidavit attesting to that statement.

The audio tape of this hearing does not contain the statement "I can't wait to testify." This statement has been deleted from the audio tape record. Kimberly Brader served as court monitor. She testified that the audio tape of that hearing never left her custody. [2NT, pages 26-32]

The audio record for the October 20, 2000 motions court hearing was edited. See 18 Pa.C.S. § 4911, Appendix L.

Judge Black withdrew his "recusal" [November 21] over Petitioner's objection, an egregious error of law. He Denied

the motions to correct the record. These orders are VOID for lack of jurisdiction after his disqualification. Cites omitted.

Based on these actions by the court, Petitioner and Hamoui filed a complaint with the Judicial Conduct Board and a petition to impeach Judge Black. Appendix F lists charges including complicity in the alteration of court audio records. See 18 Pa.C.S. § 4911, Appendix L.

This matter has not been before a Lehigh County court since 2001.

Petitioner continued to seek a forensic audio expert, finding Edward "Zed" McLarnon, a Massachusetts native. Petitioner took three audio tapes to Massachusetts for forensic examination. McLarnon demonstrated by visual and sound [aural] evidence where the audio signal had been broken via manual intervention, i.e., numerous edits.

McLarnon offered to produce an expert "forensic report".

In compliance with Rules of Professional Conduct 8.3(b), Petitioner reported the alteration of audio records to the State Attorney General, U.S Attorney, Lehigh County District Attorney, judges and state legislators demanding an investigation into charges that audio records were being altered within the court system.

Not one law enforcement agency took action. No Investigation Was Conducted. See DB Report, Appendix B.

In September 2002, Petitioner was retained by plaintiff (a non-custodial Father) in a custody matter, File No. 1998-FC-1106. Judge Black presided. Petitioner served "notice" [Oct. 2002] to Judge Black and left it to his discretion whether to remain as trier of fact. Attorney Maurer had earlier been appointed to serve as guardian ad litem ("GAL").

Judge Black remained on the case, implying that he bore no hostility towards Petitioner and could administer the matter impartially.

Petitioner moved to disqualify Attorney Maurer as GAL, DENIED by Judge Black.

Father initiated a complaint against Maurer with the PA Bar Association. The complaint was dismissed by the same

ODC counsel [Alan J. Davis] prosecuting the case against Petitioner, a possible conflict of interest.

The custody trial commenced in February 2003.

Immediately before the court convened, Attorney Maurer emerged "directly" from the judge's chambers using a private door, clear evidence of ex parte communications.

The court allowed respondent to present two witnesses in front of the moving party. Both witnesses presented "false" testimony. Maurer's billing records support allegations that she was involved in preparing these witnesses. Her actions are inconsistent with the duties of a GAL.

Petitioner called Maurer as a witness. She testified under oath that she did not (ever) represent "County of Lehigh" before that court. Upon presentation of irrefutable evidence of perjury, Judge Black dismissed the witness stating that an attorney cannot impeach the credibility of his own witness, a ruling contrary to Rules of Evidence 607(a).

Contrary to the child's best interest, the court exercised discretion to limit testimony of a court appointed psychologist, After a lengthy day of not yet completed testimony, the custody trial was continued until April 1, 2003.

Petitioner issued subpoenas on both defense witnesses to clear up the record. The court granted a motion to quash.

Faced with the prejudice of the court, Petitioner acted in the client's interest to negotiate a custody arrangement that improved the custodial arrangement with his child.

Maurer then filed a petition for contempt for non-payment of GAL fees. She is charging an excessive fee, three times the customary GAL rate. See Appendix L, Rules of Professional Conduct 1.5(a).

On May 28, 2003, Judge Black presided over the "contempt" hearing. He Denied father's motion to dismiss.

Upon learning that the standard GAL fee in the district is $50.00 per hour, Judge Black mentioned that Maurer's rate may need to be adjusted. This information has been altered/ deleted in the audio record, a criminal act. Appendix L.

Judges Black and Reibman support her excessive fees. See Code of Judicial Conduct, Canon 3.B(4). Appendix L.

Petitioner reminded the court of this violation.

In a discovery action on Maurer's petition, Judge Black first reviewed the files and withheld 37 pages of files, an ultra vires action. He denied Petitioner the right to review those pages of the GAL case file. He declared those documents inadmissible sua sponte, a due process issue.

Contemnor was entitled to judgment in the contempt case, so the court permitted Maurer, the moving party, to amend the complaint to a petition for counsel fees, an egregious error of law allowing Judge Black to maintain administrative control. Maurer admitted to "embellishing" facts in her testimony and complaint.

In subsequent motions, Maurer subpoenaed plaintiff's prior attorneys. She admitted that their testimony is privileged. Judge Black Denied the motions to quash.

Father subpoenaed Judge Reibman, who earlier recused himself from the case but continued to have ex parte communications with the GAL about the case. The subpoena was quashed. Judge Reibman subsequently re-entered himself in the case, contrary to settled law.

Judge Black scheduled a telephone conference with attorneys. He denied Petitioner's request to hold a record hearing. During this call [July 9, 2003] Petitioner stated that Attorney Maurer has no integrity. Judge Black replied that Petitioner has no integrity.

Petitioner invited Judge Black to file a complaint against him, to which the judge responded that he was considering such action. This information is 'part of the whole record' included in Petitioner's answer to the ODC DB-7 letter.

On July 17, 2003, Judge Alan M. Black filed a formal complaint with the Disciplinary Board.

Subsequently, Judge Black was compelled to recuse himself from the custody/contempt/fees case.

B. Proceedings in the Disciplinary Case.

On July 17th, Judge Black filed a formal complaint initiating disciplinary action against Petitioner in retaliation for challenging the court in the custody case. Judge Black appears before the Board with "unclean hands". See Canon 3.B(4), Appendix L.

Judge Black did not file the action until two years after the Hamoui support case. He brought the action after inferring [Oct. 2002] no hostility towards Petitioner. His explanation regarding writings about a Judicial Conduct Board complaint, impeachment and statements on the internet are pretense.

ODC first notified Petitioner [Sept. 2003] that disciplinary action was being contemplated via a DB-7 letter requesting a Statement of Position. Petitioner denied the allegations and detailed the circumstances for the retaliatory action stating inter alia:

> "The action by Judge Black to file a disciplinary action against respondent and his refusal to file a disciplinary action against an attorney [Maurer] with this record is inconsistent with the intent of the Disciplinary Board objectives. The complaint against respondent is retaliatory for insolence in speaking truthfully about the corruption of the judicial process."

Petitioner's Statement of Position is part of the "whole record" for mandatory review by an appellate court. *Gentile*, supra. It demanded that ODC conduct a forensic examination of original tapes audio to resolve the matter. ODC refused to investigate. See *Strickler*, supra.

The parties exchanged correspondence into November.

In November, ODC inferred that it had not reached a decision whether to prosecute the matter, and it withheld that information from Petitioner until approximately 9 months later, when Petitioner was served a Petition For Discipline.

Immediately following the Answer to the Petition, ODC scheduled a pre-trial conference [held Nov. 22, 2004] where Petitioner was informed that the investigatory period had expired, and he would not be permitted to depose witnesses. Petitioner commented 'on the record' that he felt like the victim of a malicious deception.

ODC established rules of engagement whereby Petitioner was limited to ONE expert witness and ONE expert report of ONLY ONE audio tape. The rules prohibited evidence [testimony] regarding the current dispute between Petitioner and Attorney Maurer and the court's motive.

Evidence and witnesses of judicial misconduct after May of 2001 would not be admitted.

Petitioner was directed to produce the expert report and a witness list for ODC by December 15, 2004, and to distribute a copy to each panel member within the following three weeks. ODC was permitted the same three weeks to amend ODC's witness list; i.e., to add an expert witness.

Petitioner delivered the documents to ODC on December 14, and mailed them to panel members on December 28, 2004. ODC made no effort to amend its witness list until the end of the first day of hearings.

Other limitations imposed on the defense depriving Petitioner of rights under the Fifth, Sixth and Fourteenth Amendments appear in Notes of Testimony. [1NT, 225-236].

Petitioner was Granted permission to "record" at his cost the disciplinary hearings to ensure the integrity of the record of proceedings. He engaged a professional legal services audio/video firm to record the hearing. As the equipment was being set up, the panel convened an emergency motion to DENY Petitioner the permission previously granted.

See Appendix G for affidavits attesting that the transcribed record of the hearings was edited. It is inaccurate, incomplete and unreliable, suffering the selective criminal editing as raised in accusations against the court.

ODC conducted hearings before a panel of lawyers, non-members of the Board, on February 8, and March 11, 2005.

Petitioner raised challenged the rules and raised fundamental rights issues in pre-trial motions, opening remarks and Petitioner's Brief of the proceedings.

The panel recommended disbarring Petitioner without addressing the deprivation of his civil and constitutional rights. The same federal questions were raised before a Disciplinary Board panel during "Oral Argument", which was admitted into the written record. The DB Report neglects to address or answer the federal question defense issues.

The State Supreme Court entered an order recommended by the Board. The court failed to 'make an independent examination of the whole record' as required. *Gentile*, supra.

The order denied Petitioner's right of appeal violating his rights under Article V, Section 9 of the Constitution of Pennsylvania. See Appendix L.

The order was entered without an opinion. It fails to address the federal question issues and deprives Petitioner of property contrary to due process protections under the Fourteenth Amendment.

The transcribed record of proceedings was illegally and criminally edited rendering them useless as a reliable record for review. See Appendix G.

C. Review of Disciplinary Board Procedures and Rules.

The rules of the State Disciplinary Board are vague and ambiguous regarding protections for the rights of accused attorneys. The rules permit a transfer of the burden of proof to a respondent attorney, contrary to the most fundamental tenet of Law, the "presumption of innocence".

Transferring the burden of proof requires that a respondent attorney satisfy a "nebulous" subjective standard that he has a "reasonable basis" for his actions.

Petitioner met the "reasonable basis" test for his accusations by producing witnesses who testified and executed affidavits attesting to unrefuted discrepancies in the transcribed records of four court hearings before two judges. A

forensic audio expert testified before the hearing panel and produced a forensic report that clearly evidences that audio records were physically edited. Court monitors testified that both judges took custody of the audio tapes before they were transcribed, breaking the chain of custody.

PA Rules of Professional Conduct do not provide the necessary 'safe harbor' clause to protect First Amendment rights of attorneys. Disciplinary procedures violate attorney's rights under the federal Constitution.

This court should recommend guidelines for disciplinary procedures that protects the presumption of innocence, and places the burden of proof on the "prosecutor", eliminating subjective tests of innocence.

The hearing panel arbitrarily disregarded testimony and physical evidence to conclude that Petitioner failed to meet the "reasonable basis" test.

Summary

Petitioner stands on the truth of his accusations that audio records in Lehigh County court have been and continue to be illegally edited, and that family court cases are pre-determined, i.e., "fixed".

In Lehigh County, four or more audio tapes were criminally edited. The court failed to conduct bona fide hearings in support cases on more than one occasion and applied a law *ex post facto*. These facts establish a "reasonable basis" for accusations that support cases are "fixed".

A thief need not steal from everyone to be a thief. He need only steal ONCE. The ability to "fix" one case, and the exercise of that ability substantiates Petitioner's accusations.

In compliance with Rule 8.3(b), Petitioner reported criminal acts to judges and several law enforcement agencies. None of which took any investigatory action.

For reporting criminal misconduct in compliance with Rule 8.3(b), the government took action to stifle Petitioner's freedom of speech critical of the government.

Disciplinary 'rules and procedures' for enforcement are repugnant to the Constitution and are applied "with a heavy hand or an evil eye". *Yick Wo*, supra.

This Court should Grant the Petition for a Writ of Certiorari so that Petitioner may finally receive a "full and fair" opportunity to present these issues before a judicial officer in a court of law in accordance with his rights under the Constitutions of the United States and Pennsylvania.

REASONS FOR GRANTING THE WRIT

This section incorporates all facts presented above in "Statement of the Case".

This Court should Grant the Petition for a Writ of Certiorari because the order from a State court is in conflict with prior decisions of this Court, and because the order is in conflict with the federal and State Constitutions.

Granting this Petition offers this Court the opportunity to clarify its position under *Gentile*, *supra*; to declare a position on matters not yet universally decided which may otherwise receive contrary results in different jurisdictions; and to correct procedures that are repugnant to the Constitution.

This Court needs to provide a determinative interpretation of law regarding: **A)** free speech rights of attorneys; **B)** due process rights of attorneys subject to discipline; **C)** subject matter jurisdiction limitations [legal authority] of a court or administrative agency to hear matters; **D)** whether the "decision" by a State court of last resort is in conflict with a prior decision of this Court and with unambiguous language of the Constitution; and **E)** universal standards (guidelines) for enforcement of disciplinary procedures.

Refusal to Grant this Petition allows the several States to continue to deprive lawyers of First Amendment rights under threat of government prosecution, providing a 'safe harbor' ***against*** protected free speech critical of government. It would permit States to continue a "pattern and practice" of

depriving the constitutional right of appeal to similarly situated lawyers, denying them meaningful access to a court and due process under the Fourteenth Amendment.

Our Nation has always taken pride in its judicial system as protecting the human and civil rights of the public. The collective character of this Nation relies on [trusts] the integrity and impartiality of its "system of justice" to preserve constitutional rights which are being trampled in corrupt 'family' courts. Preservation or restoration of judicial integrity requires that the issues raised in this case be heard and decided in the highest court in the Land.

This Court should Grant this Petition in order to set operable parameters which will redirect the course of judicial machinery to restore the integrity of the judicial process.

A. Review Protections of 1st Amendment Rights.

> ***"TRUTH is what remains after all other possibilities have been eliminated."*** Author Unknown.

All truth passes through three stages.
First, it is ridiculed.
Second, it is violently opposed.
Third, it is accepted as being self-evident.
— Arthur Schopenhauer (1788-1860)

The gravamen of the matter before this Court is whether the government will be permitted to stifle political speech critical of the government.

> "It is not the function of our Government to keep the citizen from falling into error; it is the function of the citizen to keep the Government from falling into error." *American Communications Ass'n v. Douds*, 339 U.S. 382; 70 S.Ct. 674 (1950).

At issue here is the constitutionality of a ban on political speech critical of the government and its officials.

> "There is no question that speech critical of the exercise of the State's power lies at the very center of the First Amendment. ... , which only last Term we described as 'speech which has traditionally been recognized as lying at the core of the First Amendment.'" *Gentile*, supra, citing *Butterworth v. Smith*, 494 U.S. , (1990) (slip op., at 7).

> "... there is practically universal agreement that a major purpose of that [First] Amendment was to protect the free discussion of governmental affairs." *Landmark Communications, Inc. v. Virginia*, 435 U.S. 829 (1978), quoting *Mills v. Alabama*, 384 U.S. 214 (1966). [added for clarity]

> The judicial system, ..., play(s) a vital part in a democratic state, and the public has a legitimate interest in their operations. *Gentile*, supra.

This Court's holding in *Gentile v. State of Nevada*, supra, stops short of defining First Amendment free speech protection for lawyers. Lawyers have intimate knowledge of court operations and must be free to publicly report judicial misconduct without fear of retribution from the government.

Lawyers have a duty under their oath of office and Rules of Professional Conduct [RPC 8.3] to police court operations for the protection of the public. Even conceding some restrictions of free speech, a lawyer should never fear retribution when **truthfully** reporting judicial misconduct.

This question has nation-wide importance because without clarity, attorneys are confronted with risking their professional careers against the collective power of government whose interests begin with preserving reputations of public officers under the pretense of preserving public trust. Inappropriate [illegal] government activities are concealed while the rights of those defending the public are curtailed.

> Although it is assumed that judges will ignore the public clamor ..., the law gives "[judges] as persons, or courts as institutions ... no greater immunity from criticism than other persons or institutions."
> *Landmark*, supra, citing *Bridges v. California*, 314 U.S. 252, 289 (1941) (Frankfurter, J., dissenting).

> Rather, this Court is "compelled to examine for [itself] the statements in issue and the circumstances under which they were made to see whether or not they do carry a threat of clear and present danger ... or whether they are of a character which the principles of the First Amendment, as adopted by the Due Process Clause of the Fourteenth Amendment, protect." *Pennekamp v. Florida*, 328 U.S. 331 (1946).

There is no evidence that Petitioner's accusations against the lower court carries "a threat of clear and present danger ..." to anyone other than those who criminally corrupt the judicial process. ODC presented no evidence showing that Petitioner's accusations are NOT TRUTHFUL.

Petitioner accuses the court of covert criminal activities employed to protect pre-determined outcomes of a CLASS of cases which cannot be justified under an excuse as serving the "best interest of the child".

Pennsylvania lawyers are constrained from truthfully reporting a "pattern and practice" of judicial misconduct in the performance of judicial duties. When judges obstruct investigations to cover up criminal acts, those judges become accomplices in the criminal conduct. A government that tolerates criminal misconduct by persons entrusted to protect the integrity of a governmental institution neglects its duty to the people it serves.

The judicial branch of government obstructed a criminal investigation of its own conduct. See Appendix D and E for another example of judicial misconduct and judicial atrocity.

The disciplinary action against petitioner constitutes governmental opposition to Truth, satisfying the second stage of Schopenhauer's theory. The third stage will commence when this Court Grants this petition, reviews the issues and renders a decision in Petitioner's favor.

B. Review Protection of Due Process and Equal Protection rights et al.

The strict scrutiny standard of review at both the federal and state level under the "due process" clauses of both the Fifth and Fourteenth Amendments is mandated to protect lawyers brought up for discipline, invoking the protection of free speech under the First Amendment. See *Gentile*, supra, and *New York Times v. Sullivan*, supra; and *Yick Wo*, supra.

> Where a person has been deprived of property in a manner contrary to the most basic tenets of due process, "it is no answer to say that in his particular case due process of law would have led to the same result because he had no adequate defense upon the merits." *Coe v. Armour Fertilizer Works*, 237 U.S. 413, 35 S.Ct. 625, 59 L.Ed. 1027 (1915).
>
> "As we observed in *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62 (1965), only "wiping the slate clean ... would have restored the petitioner to the position he would have occupied had due process of law been accorded to him in the first place." *Peralta v. Heights Medical Center, Inc.*, 108 S.Ct. 896 (1988).
>
> "Due process is a concept incapable of exact definition; rather, it is a flexible notion which calls for such procedural safeguards as the particular situation demands to ensure fundamental fairness to potentially aggrieved litigant." *Plowman v. Plowman*, 597 A. 2d

701, 705 (Pa.Super. 1991); citing Corra v. Coll, 451 A.2d 480, 482 (Pa.Super. 1982).

"The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id*, citing Matthews v. Eldridge, 424 U.S. 193, 96 S.Ct. 893 (1976).

In this Disciplinary action, Petitioner was granted permission to protect his interests and to ensure the integrity of the transcribed record by recording the proceedings at his own expense. That permission was rescinded.

It was not surprising to learn that the transcribed records of the proceedings were edited, presumably by ODC. Appendix G offers affidavits of witnesses to specific deficiencies in the transcribed record. ODC violates his duty under *Strickler*, supra, and the Law. See Appendix L.

Petitioner was denied the opportunity to present evidence of altering the transcript to an appellate court.

Imposing the strict scrutiny standard to all disciplinary procedures will restore "fairness" to the proceedings.

Pennsylvania attorney discipline procedures are quasi-criminal in nature, with punitive sentencing. They include *inter alia* an "unconscionable" rule that provides for the transfer of the burden of proof to the respondent. This 'rule' flies in the face of the most fundamental belief in criminal law, the presumption of innocence. ODC manifests the government conduct prohibited in *Yick Wo*, supra.

An attorney found guilty is subject to the deprivation of the right to practice law and a punitive sentence that deprives him of personal property, without review.

Petitioner was denied the due process right of appeal secured under the Constitution of Pennsylvania.

The State disciplinary enforcement procedures must be determined to be repugnant to the Constitution.

C. Disciplinary Board Action Exceeds Jurisdiction.

This Court should add clarity to the definition of "subject matter jurisdiction", the "legal authority" of a tribunal to act.

> "Subject matter jurisdiction involves threshold determination as to whether the court is legally authorized to decide the question presented, and if it is not, consideration of cause is wholly and immediately foreclosed." *Gilbert v. Gladden,* 87 N.J. 293, 304, 354 A.2d 65 (1976).

> "We have no more right to decline the exercise of jurisdiction, than to usurp that which is not given." *Pratt v. Hurley*, 79 F.3d 601 (7th Cir. 1996), quoting *Cohen v. Virginia*, 19 U.S. (6 Wheat.) 264 (1821).

> "Jurisdiction over subject matter, representing power of a court to hear and determine cases of CLASS to which proceeding in question belongs, rests solely upon the courts having been granted such power by the constitution or by valid legislation, and can not be vested by agreement of the parties." *State v. Robinson*, 140 N.J. Super 456 (1976).

Jurisdiction of a tribunal must begin with the credentials of those operating under color of law, otherwise, public trust is misplaced. Neglect of duty or abuse of discretion by a prosecutor results in irreparable harm to the public as well as to the accused. The public presumes that a court [judges, prosecutors, and attorneys] are credentialed in compliance with valid legislation to perform the duties of their respective offices. Judges and prosecutors are public officers.

Every Pennsylvania attorney has a duty under valid legislation to subscribe an oath of office to be filed with the Supreme Court. Public officers have an additional duty under the Constitution, Article VI, Section 3, to subscribe to

another oath of office. Failure to subscribe to either is fatal to entering the duties of the office. 42 Pa.C.S.A. § 2522 reads:

> Before entering upon the duties of his office, each attorney at law shall take and subscribe the following oath or affirmation before a person authorized to administer oaths:
>
> **[oath omitted]**
>
> Any person refusing to take the oath or affirmation shall forfeit his office.

> "It follows that any person violating this oath or affirmation forfeits his office. For otherwise, the oath would be mere tapestry, meaningless and a cruel joke upon the citizenry of this Commonwealth who expect honor and integrity from all those persons of a public official nature in whom the public place their trust." *ODC v. Surrick*, 555 A.2d 883, 889 (Pa. 1989) from PAPADAKOS, Justice, dissenting.
> [ODC = Office of Disciplinary Counsel.]

The prosecutor for ODC failed to comply with 42 Pa.C.S.A. § 2522 as an attorney and is prohibited from entering the duties of his office by valid legislation.[3] A prosecutor prohibited from entering the duties of the office abuses the jurisdictional limits of the court's power, causing an illegitimate exercise of authority.

> "To exceed jurisdictional limits of a courts power is to exercise authority illegitimately." *Persinger v. Islamic Republic of Iran*, 729 F.2d 835 (C.A.D.C. 1984).

The disciplinary action against petitioner was prosecuted under the illegitimate exercise of authority. The subsequent determination and order is a nullity and cannot be sustained.

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[3] See APPENDIX C confirming that the prosecutor(s) failed to comply with 42 Pa.C.S. § 2522 and PA Bar Admission Rule 231(a).

This court should provide the legal profession with guidance on the issue of oaths of office of attorneys and judges for otherwise, the public becomes the victim of a cruel joke regarding the honor and integrity of the court. *ODC v. Surrick*, supra.

D. Order in question is in conflict with Decisions of this Court and other courts.

This Court determined that a lawyer's First Amendment rights of free speech are superior to the state's interest to preserve the reputation of judges. *Gentile*, supra. The Order in question is in conflict with *Gentile* for this issue.

The State court failed to comply with its "obligation" under *Gentile* and *Bose* to ensure that 'the judgment does not constitute a forbidden intrusion on the field of free expression'. The appellate court neglected its duty to 'make an independent examination of the whole record'.

The "whole record" constitutes every document filed beginning with the disciplinary complaint through an Answer to the Report and Recommendation and the appeal.

Parties to any proceeding "under color of law" have a right to trust that a certified record of proceedings is complete, accurate and reliable. Editing court records erases that trust. Petitioner declared "war" on those who violate the public trust by criminal alteration of court records.

Petitioner met his burden to establish a reasonable basis for the statements and accusations against the court by producing witnesses who executed affidavits and provided unrefuted testimony of discrepancies in the transcribed records of four court hearings before two judges. A forensic audio expert testified before the hearing panel and produced a forensic report that clearly evidences that audio records were physically edited. Petitioner entered into evidence his "contemporaneous notes" numerous deficiencies in the audio

records. An adverse witness (solicitor) testified to a deletion from the transcribed record of one hearing.

The transcribed record matches the audio, confirming by scientific reasoning [proof by contradiction] that the audio record was altered. Her testimony was not rehabilitated.

The record evidences perjury by ODC witnesses.

ODC was unable to produce one iota of evidence to support a finding that Petitioner violated the Rules of Professional Conduct; that the accusations against the judge were false or that petitioner 'knowingly' made false accusations against the judge. He neglected his duty to search for Truth. See *Strickler*, supra.

Court records confirm deprivation of numerous Constitutional rights during support hearings, among them are *ex post facto* application of law and violating defendant's due process rights. There are sufficient egregious misapplications of law from which a presumption of a pre-determined outcome is reasonable.

Criminal alteration of court records brings dishonor to the judicial branch of government.

Petitioner stands on the truth of each accusation against the court, and persists in demanding a criminal investigation into the alteration of audio court records, a "pattern and practice" undermining the integrity of the judicial process.

The Report and findings of the hearing panel evidences "arbitrary and capricious" rulings that constitute "bad faith" and "prejudicial" administration of the disciplinary case.

Even if one were to accept the State's argument that lawyers may be subjected, consistent with the First Amendment, to speech restrictions that could not be imposed on the press or general public, the judgment against petitioner should not be upheld.

E. Review Disciplinary Procedures

It is dangerous to be right when the government is wrong. — VOLTAIRE

Petitioner does not seek review of the constitutionality of Pennsylvania's Rules of Professional Conduct or Rules for Disciplinary Enforcement. However, *Gentile* exposes several "weak links" in the chain of disciplinary enforcement, a quasi-criminal action.

Gentile requires further clarification to establish clear and unambiguous standards and principles for state bar rules regarding lawyers statements about judges, especially by providing a 'safe harbor' clause against malicious prosecution of attorneys exposing judicial misconduct.

In order to protect against overly zealous prosecution of 'whistle-blowing' attorneys, this Court should establish standards (guidelines) for disciplinary rules and enforcement procedures employed to determine guilt or innocence.

Standards are necessary to protect the public's interest in the integrity of the judicial system and to protect the security of those most familiar with the courts when they report transgressions. These standards should closely parallel rules for 'criminal' prosecutions which places a clear 'burden of proof' standard on the prosecutor. An attorney thus accused should have the prerogative to demand a trial by jury.

The enforcement rules below overturn the "presumption of innocence" standard. Under these rules, if a judge merely denies the truth of accusations against him, the attorney must show a "reasonable basis" for making the accusations.

A "subjective" determination by a hearing panel that the lawyer failed to establish a reasonable basis transfers the burden of proof to the attorney, in conflict with the "presumption of innocence" standard of justice. Further clarity is needed for the level of proof needed for culpability.

Pennsylvania's rules for disciplinary enforcement are vague and ambiguous regarding the standard of proof.

Accusation that the support case was "fixed" are supported in Appendix F, a list of judicial errors supporting a "reasonable basis" for the accusation. Each 'error' was detrimental to defendant. Judge Black and the ODC did not address any of the accusations listed on this document. ODC is unable to produce evidence that **any** of the statements / accusations on this document are untrue.

The court record substantiates each listed error. It follows *a priori* that the need to "fix" the outcome of a support matter establishes a reasonable basis for the criminal alteration of the audio records.

Petitioner questions the lack of impartiality of the hearing panel as they are not members of the Board and not under a judicial oath. They are practicing lawyers who volunteered to serve the Board. Selection to a panel may infer a reciprocal allegiance to the Board or ODC.

Enforcement standards must incorporate protection for the constitutional rights of accused attorneys as a fundamental element of the enforcement rules for disciplinary actions, affording the attorney a "full and fair" opportunity to present his case under criminal law protections.

The transcribed records of the disciplinary hearings have been materially and criminally altered, presumably by the Office of Disciplinary Counsel. A criminal investigation must be conducted into allegations of criminal misconduct, which mirrors the offense charged against the court.

The Board violates Petitioner's rights to a fair and impartial hearing, and deprives him of rights secured under the Fourteenth Amendment. Pennsylvania's Supreme Court confirmed the pre-determined outcome without granting the Constitutional right of Appeal under Article V, Section 9, and without a review of the whole record. See *Gentile*, supra.

III. CONCLUSION

Petitioner prays to this Court to Grant this Petition for Writ of Certiorari for reasons explained above. To wit: the State court order is in conflict with decisions of this Court and other courts on issues material to the outcome; the action against Petitioner intrudes into the field of free expression protected by the First Amendment; the State Supreme Court DENIED petitioner the right of appeal contrary to the State Constitution; the State disciplinary proceedings violate petitioner's rights under the First, Fifth, Sixth and Fourteenth Amendments to the Constitution and are administered "with an evil eye or a heavy hand"; State disciplinary enforcement rules are repugnant to the Constitution; the records below have been materially and criminally edited; and settled law bars disciplinary action when the motive is "retaliation".

FOR ALL OF THE ABOVE REASONS, this court should GRANT the petition for a WRIT OF CERTIORARI and enter an ORDER to VACATE the Order of Discipline entered below.

Respectfully submitted,

Eugene Andrew Wrona, pro se Petitioner
2040 Virginia Street
Allentown, PA 18103
Tele. (610) 798-4840
PA. Supreme Court ID # 67880

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APPENDIX A

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL :
Petitioner :
v. :
EUGENE ANDREW WRONA :
Respondent :
Attorney Registration No. 67880 (Lehigh County)
No. 1148, Disciplinary Docket No. 3
Supreme Court
No. 123 DB 2004 - Disciplinary Board

ORDER
PER CURIAM:

AND NOW, this 29th day of June, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated March 31, 2006, Repondent's Petition for Review (with Request for an Extension of Time to File an Answer, Exceptions, Objections and New Matters), Respondent's Request to Present Oral Argument and responses thereto, the requests for an extension of time and to present oral argument are denied, and it is hereby

ORDERED that Eugene Andrew Wrona be and he is disbarred from the Bar of this Commonwealth, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that Respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

A True Copy Patricia Nicola
As of: June 29, 2006
Attest: s/Patricia Nicola Chief Clerk
Supreme Court of Pennsylvania

APPENDIX B

BEFORE THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL :
Petitioner :
v. :
EUGENE ANDREW WRONA :
Respondent :
Attorney Registration No. 67880
(Lehigh County)
No. 1148, Disciplinary Docket No. 3
No. 123 DB 2004

REPORT AND RECOMMENDATIONS OF
THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES
OF THE SUPREME COURT OF PENNSYLVANIA:

Pursuant to Rule 208(d)(2)(iii) of the Pennsylvania Rules of Disciplinary Enforcement, the Disciplinary Board of the Supreme Court of Pennsylvania ("Board") herewith submits its findings and recommendations to your Honorable Court with respect to the above-captioned Petition for Discipline.

1) HISTORY OF PROCEEDINGS

On August 13, 2004, Office of Disciplinary Counsel filed a Petition for Discipline against Eugene Andrew Wrona, Respondent. The Petition charged Respondent with violating seven Rules of Professional Conduct by making false

statements of material fact and false accusations against a judge and engaging in conduct involving dishonesty or misrepresentation and conduct prejudicial to the administration of justice. Respondent filed an Answer to Petition for Discipline on October 21, 2004.

A disciplinary hearing was held on February 8, 2005 and March 11, 2005 before a District II Hearing Committee comprised of Chair James Keath Fetter, Esquire, and Members Terry Dennis Weiler, Esquire, and Cathy A. Wilson, Esquire. Respondent was represented by Gregory A. Hession, Esquire, and acted as co-counsel during the proceedings.

Following the submission of briefs by the parties, the Hearing Committee filed a Report on July 6, 2005, finding that Respondent engaged in professional misconduct and recommending that he be disbarred from the practice of law.

Respondent filed a Brief on Exceptions on August 8, 2005 and requested oral argument.

Petitioner filed a Brief Opposing Exceptions on August 25, 2005.

Oral argument was held on October 11, 2005, before a three member panel of the Disciplinary Board chaired by Laurence H. Brown, Esquire, with Members C. Eugene McLaughlin and Robert E.J. Curran, Esquire.

This matter was adjudicated by the Disciplinary Board at the meeting on November 9, 2005.

2) FINDINGS OF FACT

The Board makes the following findings of fact:

1. Petitioner, whose principal office is situated at Suite 1400, 200 North Third Street, Harrisburg, Pennsylvania 17101, is invested, pursuant to Rule 207 of the Pennsylvania Rules of Disciplinary Enforcement, with the power and the duty to investigate all matters involving alleged misconduct

of an attorney admitted to practice law in the Commonwealth of Pennsylvania and to prosecute all disciplinary proceedings brought in accordance with the various provisions of the aforesaid Rules.

2. Respondent, Eugene Andrew Wrona, was admitted to practice law in the Commonwealth in 1993. His office is located at 2040 Virginia Street, Allentown PA 18103. Respondent is subject to the disciplinary jurisdiction of the Disciplinary Board of the Supreme Court of Pennsylvania.

3. Respondent has no prior history of discipline.

4. Respondent represented the defendant in Virginia Turnigan v. Farouk Z. Hamoui, a child support matter in the Court of Common Pleas of Lehigh County.

5. This case was Respondent's first case in court as the primary attorney.

6. On September 24, 1997 Respondent represented his client at a hearing before Judge William Ford, at which Judge Ford found Mr. Hamoui to be in contempt for failure to comply with the existing order for child support.

7. Respondent filed a notice of appeal to the Superior Court of Pennsylvania of Judge Ford's order of September 24, 1997.

8. While the appeal to the Superior Court was pending, Respondent filed a motion with Judge Ford in the lower court to correct the record, contending that statements had been omitted from the transcript of the September 24, 1997 hearing. Judge Ford denied this motion as being without merit.

9. On March 1, 1999, the Superior Court of Pennsylvania affirmed Judge Ford's order of September 24, 1997.

10. On March 4, 1999, Respondent filed a petition to modify the child support order against Mr. Hamoui. Pursuant to Lehigh County procedure in such cases, a domestic relations conference was conducted on June 11, 1999. The conference

officer recommended that the child support order be increased. On June 14, 1999 Judge Edward Reibman entered an interim order reflecting the higher child support amount.

11. Respondent then requested a de novo hearing on the petition to modify the support order, which came before Judge Alan M. Black.

12. Judge Black conducted the de novo hearing on October 20, 1999 to determine whether any unusual circumstances existed that would justify deviation from the Supreme Court's support guidelines. In addition, Respondent raised other legal issues. Judge Black scheduled oral argument to permit both parties to brief and argue the issues raised. Oral argument was conducted before Judge Black on January 12, 2000.

13. By order and opinion dated March 28, 2000, Judge Black affirmed the interim support order entered on June 14, 1999. Judge Black's opinion discusses in detail the factual and legal issues raised by Respondent in the October 20, 1999 hearing and the January 12, 2000 argument.

14. Respondent filed an appeal of Judge Black's March 28, 2000 order to the Superior Court of Pennsylvania. The Superior Court affirmed Judge Black's order. Respondent then filed a petition for allowance of appeal with the Supreme Court of Pennsylvania. The petition was denied.

15. While the appeal to the Superior Court was pending, Respondent filed a series of motions to correct the lower court record, alleging that the original audiotapes of hearings and the court proceedings in Ternigan v. Hamoui had been altered.

16. Under the system in place in Lehigh County during the years in question court proceedings were recorded on an audiotape operated by a court monitor in the courtroom. At the end of the court proceedings, the court monitor would

maintain possession of the audiotapes and would prepare an official transcript of the proceedings from the tapes if required to do so by the Court or any party.

17. One of Respondent's motions to correct the record, filed on May 2, 2000, concerned allegations of inaccuracies in the transcript of a proceeding conducted on June 18, 1999 before Judge Edward Reibman. Judge Reibman conducted a hearing on that motion on June 6, 2000 and dismissed the motion because Respondent failed to produce any evidence in support of the motion.

18. By order dated September 29, 2000, Judge Reibman granted Respondent's petition filed on September 18, 2000 to listen to tape recorded proceedings conducted before Judge Reibman on June 6, 2000.

19. On December 6, 2000 Judge Black conducted a hearing on one of Respondent's motions to correct the record of proceedings conducted before Judge Black, following which Judge Black denied the motion.

20. Respondent was given an opportunity to listen to the original audiotapes of the various court proceedings and to compare those audiotapes to the transcripts. Respondent did so and confirmed that the transcripts conformed with the original audiotapes.

21. By order and opinion dated May 11, 2001, Judge Black denied Respondent's third motion to correct the record relating to the proceedings conducted before Judge Black on October 20, 1999 (the de novo hearing on the petition to modify the support order) and January 12, 2000 (the argument concerning the legal and factual issues raised at the time of the October 20, 1999 hearing). Judge Black's opinion reviews in detail the "meager evidence" offered by Respondent in support of the motion and concludes that "[t]here is simply no basis upon which to conclude that the audiotapes were altered in this case." Exhibit P-9.

22. In a separate order dated May 11, 2001, Judge Black granted Respondent's petition requesting copies of the tapes of various court proceedings. Respondent never requested that original audiotapes be made available for analysis; he only requested that he be permitted to listen to the original audiotapes, which he did.

23. By letter dated December 27, 2000, Respondent wrote to Judge James Knoll Gardner, then President Judge of the Court of Common Pleas of Lehigh County and now United States District Judge for the Eastern District of Pennsylvania. In his letter, Exhibit P-13, Respondent made the following accusations against Judge Black and the Court of Common Pleas of Lehigh County:

a. Regarding the testimony of court monitor Diane Snell at a December 6, 2000 hearing on one of Respondent's motions to correct the record, Respondent wrote that Ms. Snell "may have perjured herself" and that "Judge Black has knowledge that her testimony was false and did nothing to correct the error or the record."

b. Respondent also stated in the letter that "criminal misconduct is taking place with the knowledge, or at least a conscious 'look- the-other-way', of officers of the court."

c. Respondent also stated in the letter that Judge Black "is aware that the audiotapes do not contain a complete and accurate record of the proceedings."

24. Respondent's accusations in the letter of December 27, 2000 were false. Judge Black had and has no awareness of any criminal misconduct regarding alteration of audiotapes, and he believes that the audiotapes do contain a complete and accurate record of the court proceedings.

25. On March 2, 2001, Respondent filed on behalf of Mr. Hamoui, a motion to disqualify Judge Black from Ternigan v.

Hamoui. Respondent submitted his own affidavit in support of this motion. This affidavit was signed by Respondent, dated March 1, 2001, and was signed and sealed by a notary public. The motion to disqualify also contained Respondent's verification of the truth of the statements made in the motion. The motion alleged that Judge Black "has a personal bias or prejudice" against Mr. Hamoui and that Judge Black "has knowledge of criminal misconduct in this matter." Respondent's affidavit in support of the motion to disqualify contained the following accusations against Judge Black:

a. That the outcome of the October 20, 1999 hearing was "predetermined by the court, i.e., the court's decision was 'fixed' prior to hearing evidence,"

b. That Judge Black engaged in "subornation of perjury,"

c. That "under the theory of respondeat superior, the perjurious testimony of [court monitor Diane Snell] may be laid at the feet of Judge Alan M. Black", and

d. That Judge Black engaged in "criminal misconduct."

26. These accusations against Judge Black were false. Judge Black did not himself engage in any alteration of audiotapes, he had no knowledge or awareness of any alteration of audiotapes by anyone else, his decision was not fixed or predetermined, and
he did not engage in any subornation and is not aware of any perjury by anyone from the court system.

27. On March 19, 2001, Respondent filed with the Judicial Conduct Board a supplement to a complaint against Judge Black previously filed by Mr. Hamoui. This statement, dated March 13, 2001, was signed and verified by Respondent.

28. The statement contained the following accusations against Judge Black:

a. That Judge Black engaged "in the process of 'fixing' the outcome of Mr. Hamoui's case"; Respondent defined the term 'fixing' as implying "a conviction, bias, or prejudgment as to the outcome";
b. That Judge Back aided and abetted the commission of a crime;
c. That Judge Black appeared "to have suborned perjury of a staff member"; and
d. That Judge Black engaged in "obstruction of justice in the criminal alteration of audiotapes of official court hearings..."

29. Respondent's accusations against Judge Black in the Judicial Conduct Board filing were false. The Judicial Conduct Board dismissed the complaint against Judge Black.

30. On October 17, 2001, Respondent filed in the Supreme Court of Pennsylvania a petition for allowance of appeal in Ternigan v. Hamoui. Respondent alleged therein that Judge Black's court "engages in criminal misconduct."

31. Respondent's accusations against Judge Black in the petition for allowance of appeal were false.

32. Respondent's petition for allowance of appeal also referred to the fact that a formal complaint had been filed with the Judicial Conduct Board against Judge Black.

33. Judge Black did not waive confidentiality with respect to the complaint filed against him, nor did Judge Black give Respondent permission to refer to that complaint.

34. Respondent wrote a letter to the Editor of The Morning Call, the primary newspaper of general circulation in Allentown, concerning the retention of Judges Gardner, Ford and Reibman. This letter was published in The Morning Call on November 2, 2001. Referring to the Lehigh County Court of Common Pleas in general, Respondent's letter stated: "This court systematically deprives litigants of due

process and equal protection of law, and harbors criminal misconduct in order to prevent successful appeals by an aggrieved litigant." This accusation was false.

35. By letter dated March 12, 2002, to the Office of the Prothonotary of the Superior Court of Pennsylvania regarding a then-pending appeal in Ternigan v. Hamoui, Respondent stated that his client was pursuing disciplinary action against Judge Black before the Judicial Conduct Board.

36. Judge Black did not waive confidentiality with respect to the complaint filed against him with the Judicial Conduct Board, nor did he give Respondent permission to refer to it.

37. Respondent wrote a "press release" and posted it on the internet website of The Center for Children's Justice - Pennsylvania Chapter. It was prepared and posted in late 2001 or early 2002.

38. In this "press release", Respondent made the following accusations against Judge Black:

a. That Judge Black allowed the "criminal alteration of recorded court proceedings".

b. That Judge Black engaged in "subornation of perjury by an officer of the court", and

c. That "the court knowingly harbors...criminal misconduct," referring to the allegation that audiotapes of hearings had been altered.

39. Respondent's accusations against Judge Black in the "press release" were false.

40. The "press release" also referred to the fact that Mr. Hamoui had filed a formal complaint with the Judicial Conduct Board against Judge Black.

41. Judge Black did not waive confidentiality with respect to the JCB complaint, nor did he authorize Respondent to refer to it.

42. By letter dated December 5, 2003, Respondent wrote to the Pennsylvania Attorney General's office. In this letter he

stated that Judge Black's alleged conduct was similar to that of priests who molested young boys and that the failure of the District Attorney's Office to investigate his charges was similar to the bishop who undertook to cover up complaints against priests.

43. Respondent also accused Judge Black of "domestic terrorism".

44. On January 6, 2004, Respondent wrote a letter to the Governor of Massachusetts in which he referred to Judge Black as a "despicable person" who was "perpetrating more harm to America than the Al Quida [sic] bombers did on September 11, 2001." (2 N.T. 308)

45. Diane Snell, a court monitor in Lehigh County, testified that she records court proceedings on the court taping system. She then takes possession of the tapes and, when necessary, prepares transcripts directly from the tapes. She was the court monitor for the hearing before Judge Black on October 20, 1999 and for the legal argument on January 12, 2000. She has no knowledge of any criminal activity by Judge Black involving the editing of audiotapes, she herself has not engaged in any such editing, and she is not aware of any editing of the tapes by anyone else. Moreover, Judge Black never urged her to lie, and she never engaged in any perjury. (1 N.T. 189-192).

46. Ms. Snell keeps the tapes in a locked closet in her office. She is the only person who has a key to that closet. (1 N.T. 198).

47. Two other court monitors, Kimberly Brader and Susan Sherry, testified at the disciplinary hearing. They keep the audiotapes of court proceedings locked in cabinets in their respective offices, and they are each the only person with a key to their respective cabinets. (2 N.T. 25, 63)

48. On April 3, 2002, Respondent met with Edward McLarnon, a forensic audio engineer, at Mr. McLarnon's

studio in Massachusetts. Respondent provided Mr. McLarnon with a copy of the audiotape of the legal argument conducted before Judge Black on January 12, 2000, for the purpose of having Mr. McLarnon analyze the tape to determine whether it had been edited. The January 12, 2000 hearing was solely for the presentation of argument. No testimony was taken at the hearing.

49. At Mr. McLarnon's request, Respondent identified three areas in the transcript of that day's court proceeding where Respondent believed material was missing. Mr. McLarnon then downloaded the audiotape into his computer and analyzed those three sections of the audiotape.

50. With regard to the first of those sections, Mr. McLarnon concluded that there was a hard edit point, indicating that during the process of making the copy of the original audiotape, the recording process had been stopped, the left and right stereo channels were switched, and the recording process was then resumed. However, Mr. McLarnon only concluded from this that either the playback machine or the record machine was stopped at that point in the copying process. He could not conclude that the
original court audiotape had been altered, and therefore could not render an opinion that the original audiotape had been altered.

51. With respect to the second and third edit points identified by Respondent, Mr. McLarnon concluded that there was evidence of electromechanical "spikes" at each of those points, from which he could conclude that either the playback machine or the record machine was stopped at that point during the process of making the copy of the audiotape he was analyzing. Mr. McLarnon would not conclude from his analysis that the original audiotape had been altered.

52. Respondent brought two other audiotapes to Mr.

McLarnon's studio that day, but Mr. McLarnon did not analyze either. He only listened to the audiotape from January 12, 2000.

53. Mr. McLarnon did not state an opinion that the original audiotape was altered.

54. Mr. McLarnon's testimony, and the conclusions he presumably stated to Respondent on April 3, 2002, did not provide a reasonable factual basis for a belief that any original court audiotape had been altered.

55. Moreover, because Mr. McLarnon's analysis did not occur until April 3, 2002, and because that analysis involved only the audiotape of the January 12, 2000 argument, Mr. McLarnon's conclusions did not provide a basis for any statements or accusations made by Respondent before April 3, 2002 or for any statements or accusations made by Respondent concerning the audiotapes of any court proceedings other than the proceeding of January 12, 2000.

56. Apart from Mr. McLarnon's analysis, the basis for Respondent's accusations and statements as detailed hereinabove was his own knowledge of what was allegedly said during the various court proceedings, "contemporaneous notes", and the alleged corroboration of witnesses, specifically his brother, Reginald Wrona, and his client, Mr. Hamoui.

57. Respondent did not offer into evidence any notes he took during any of the court proceedings in question. The only documents he offered were notes he prepared at an unspecified time after some of the court proceedings which purport to be his recollection of omissions from the transcript.

58. The alleged corroboration by Reginald Wrona and Mr. Hamoui fails to provide a reasonable factual basis for Respondent's accusations.

59. Respondent contacted representatives of the Pennsylvania

Attorney General's office, the U.S. Attorney's office and the Lehigh County District Attorney's office to complain about the alleged alteration of court audiotapes and to initiate an investigation by those offices into his allegations.

60. None conducted an investigation.

61. Respondent claims several motivations exist for a court sponsored alteration of audiotapes, including a subsidy of ten percent of child support collections that the federal government pays to states (2 NT 321) and an intent to prevent successful appeals of support orders (2 NT 322). Respondent acknowledges that even if such subsidies are paid to Pennsylvania, he does not know where these subsidies go. Moreover, the material Respondent claims was omitted from the record of the various court proceedings bears no relationship to the alleged motivation for the alteration and provides no credible support for Respondent's allegations.

62. Respondent believes there is no reason for him to withdraw any of his accusations or offer any apology.

64. Respondent has not expressed regret or remorse for any statements he has made.

3) CONCLUSIONS OF LAW

By his conduct as set forth above, Respondent violated the following Rules of Professional Conduct:

1. RPC 3.3(a)(1) – A lawyer shall not knowingly make a false statement of material fact or law to a tribunal.

2. RPC 8.2(b) – A lawyer shall not knowingly make false accusations against a judge or other adjudicatory officers.

3. RPC 8.4(a) – It is professional misconduct for a lawyer to violate or attempt to violate the rules of professional conduct, knowingly assist or induce another to do so, or do so through the acts of another.

4. RPC 8.4(c) - It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation.

IV. DISCUSSION

This matter is before the Disciplinary Board for consideration of the Petition for Discipline filed against Respondent charging him with professional misconduct arising from his actions during litigation in which Respondent represented the defendant in a child support matter in the Court of Common Pleas of Lehigh County. Respondent came to believe that original audiotapes of court proceedings in the case had been altered to omit statements or testimony and that the transcripts of those proceedings, prepared from the audiotapes, therefore did not accurately reflect all that had been said in the course of those proceedings. After filing unsuccessful motions to "correct the record" to have the allegedly omitted statements added to the record, Respondent began in late 2000 to accuse the presiding judge in the support case, Alan M. Black, and other court personnel in the Court of Common Pleas of Lehigh County of involvement or complicity in the criminal alteration of audiotapes of court proceedings. These accusations were made in a succession of letters, pleadings, court filings, affidavits and internet postings. These accusations continued to the time of Respondent's filings and testimony in this disciplinary proceeding.

Specifically, Respondent is charged with violations of Rules of Professional Conduct 3.3(a)(1), 4.1(a), 8.2(b), 8.4(a), 8.4(b), 8.4(c), and 8.4(d). Petitioner has the burden of proving, by a preponderance of the evidence that is clear and satisfactory, that Respondent's actions constitute professional misconduct. Office of Disciplinary Counsel v. Keller, 506

A.2d 872 (Pa. 1986). In this situation, Petitioner may meet the burden of proof by presenting documentary evidence or testimony from the person at whom the accusations were aimed that the statements were false. Office of Disciplinary Counsel v. Price, 732 A.2d 559 (Pa. 1999). The burden then shifts to Respondent to establish that the accusations are true or that following a reasonable diligent inquiry, he formed an objective reasonable belief that the accusations were true. Id. at 604. A determination of misconduct hinges upon whether Respondent acted recklessly or with the support of a reasonable factual basis. Recklessness is shown by the "deliberate closing of one's eyes to the facts that one had a duty to see or stating as fact things of which one was ignorant." Office of Disciplinary Counsel v. Anonymous Attorney A, 714 A.2d 402 (Pa. 1998).

Petitioner met its burden by proving that Respondent made the accusations he is charged with making and by presenting the testimony of Judge Black, attorney Susan Maurer, and court monitor Diane Snell that not one of them was involved in any manner with any alteration of court audiotapes and that none of them was aware of any such alteration by any person. The testimony of Judge Black and Ms. Snell also established that Ms. Snell did not testify falsely and that Judge Black never suggested that she do so. The testimony of Judge Black established that he never waived confidentiality with respect to the complaint made against him with the Judicial Conduct Board and that he never gave Respondent permission to refer to that complaint.

The burden of proof shifted to Respondent, who repeatedly testified that he believed and still believes that the accusations are true. The evidence Respondent presented utterly failed to establish this contention. His primary evidence rested upon the testimony of his expert witness, audio engineer Edward McLarnon. Mr. McLarnon analyzed

a copy of the tape of the January 12, 2000 argument and could only say that he was directed by Respondent to three points on the copy where Respondent believed material was missing and at those three spots the process of making the copy from the original audiotape was interrupted; he did not conclude and did not testify that the original audiotape was altered. Mr. McLarnon could only opine that at those spots the tape recorder was stopped and restarted.[1] Respondent did

> 1 This testimony was refuted by James McGee, an expert retained by the Lehigh County Court System and presented by the Office of Disciplinary Counsel. Mr. McGee testified that Mr. McLarnon reached erroneous conclusions because he was only provided with and examined a copy of the original audiotape. Mr. McGee, who examined the original audiotape, found no interruptions on the January 12, 2000, audiotape at the three spots to which Respondent directed Mr. McLarnon's attention.

not offer any contemporaneous notes made at the time of the court proceedings in question. The testimony of Respondent's brother and his client at the hearing was not probative. Based on the totality of the evidence presented, the Board concludes that the accusations made by Respondent were false, and were made without the support of an objective, reasonable

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[1]This testimony was refuted by James McGee, an expert retained by the Lehigh County Court System and presented by the Office of Disciplinary Counsel. Mr. McGee testified that Mr. McLarnon reached erroneous conclusions because he was only provided with and examined a copy of the original audiotape. Mr. McGee, who examined the original audiotape, found no interruptions on the January 12, 2000 audiotape at the three spots to which Respondent directed Mr. McLarnon's attention.

factual basis. Respondent made the accusations with reckless disregard of the truth or falsity of the accusations. Respondent had no objective facts upon which he could reasonably conclude that his belief was true. Respondent routinely and repeatedly acted recklessly by stating as facts things of which he was ignorant. Respondent has not presented any credible evidence of any wrongdoing by Judge Black to support any objectively held reasonable belief about the judge's involvement in any audiotape alteration.

For these reasons, the Board concludes that Respondent violated Rules of Professional Conduct 3.3(a)(1), 8.2(b), 8.4(a), 8.4(c), and 8.4(d). The Board further concludes that Respondent did not violate 8.4(b) and 4.1(a). RPC 8.4(b) makes it professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer. Petitioner based this charge upon the contention that Respondent committed perjury or unsworn falsification to authorities pursuant to 18 Pa.C.S. §§4902 and 4904. Each of those sections includes as an element of the crime that the person made a false statement which he did not believe to be true. Petitioner did not prove this element of the crime and thus did not prove a violation of 8.4(b). RPC 4.1(a) states that in the course of representing a client a lawyer shall not knowingly make a false statement of material fact or law to a third person. Respondent published his accusations on the Internet, in a letter to the editor of the local newspaper, and in a letter to Judge Gardner. These accusations were based on his personal impressions and opinions that wrongdoing occurred in his client's case. These accusations were not false statements of material facts concerning the representation of his client. A material fact is one which is essential to the case and without which it could not be supported. Black's Law Dictionary 881 (5th ed. 1979).

The record supports the finding of five violations of the Rules of Professional Conduct. This matter is ripe for the determination of discipline. It is appropriate to consider any aggravating or mitigating circumstances present. At the hearing Respondent remained intractable in his position. He displayed a complete lack of remorse or regret concerning his actions and appeared ignorant of the severity of his misconduct and its ill-effect on the legal system. What is sadly ironic is that the Ternigan v. Hamoui matter was Respondent's very first court case handled on his own. He has no background of steady competent legal work to help mitigate the severity of his unwarranted behavior. The content of Respondent's accusations, their repetition and wide audience render Respondent's behavior extremely egregious.

The guiding decisions on the appropriate sanction are Office of Disciplinary Counsel v. Price, 732 A.2d 559 (Pa. 1999) and Office of Disciplinary Counsel v. Surrick, 749 A.2d 441 (Pa. 2000). Each of these cases involved the making of false accusations against judges or other judicial officers, and in each case the Supreme Court determined that a five year suspension was appropriate. Consistent with the position of Petitioner and the Hearing Committee in this matter, the Board is persuaded that the totality of the facts and circumstances in this matter warrant more severe discipline than that imposed in the cited cases. More than in any other case of this nature, this Respondent is truly unfit to practice law. He exhibited no awareness of his responsibilities and obligations to the court. He was prepared to fight his case in any way possible, including making false and injurious accusations against a judge in a persistent manner through a number of years and to a variety of audiences. This "zealous" representation goes far beyond that contemplated by the ethical rules governing this profession. Respondent has not demonstrated that he possesses the qualities and character necessary to practice law in this Commonwealth.

Despite his own opinion of his actions, the record is clear that Respondent did not serve his client well. It is the Board's opinion that the general public is well-served to have Respondent removed from the roll of active attorneys. The Board recommends that Respondent be disbarred.

V. RECOMMENDATION

The Disciplinary Board of the Supreme Court of Pennsylvania unanimously recommends that the Respondent, Eugene Andrew Wrona, be disbarred.

It is further recommended that the expenses incurred in the investigation and prosecution of this matter are to be paid by the Respondent.

Respectfully submitted,

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

By: s/ Laurence H. Brown, Board Member

Date: March 31, 2006

Board Member McLaughlin did not participate in the decision of this matter.

IN THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL	:	
Petitioner	:	
v.	:	
EUGENE ANDREW WRONA	:	
Respondent	:	
Attorney Registration No. 67880		(Lehigh County)
No. 123 DB 2004 - Disciplinary Board		

ORDER

PER CURIAM:

AND NOW, this _____ day of _____, 2006, upon consideration of the Report and Recommendations of the Disciplinary Board dated March 31, 2006, it is hereby

ORDERED that Eugene Andrew Wrona be and he is disbarred from the Bar of this Commonwealth, and he shall comply with all the provisions of Rule 217, Pa.R.D.E.

It is further ORDERED that Respondent shall pay costs to the Disciplinary Board pursuant to Rule 208(g), Pa.R.D.E.

THE DISCIPLINARY BOARD OF THE
SUPREME COURT OF PENNSYLVANIA

First Floor
Two Lemoyne Drive
Lemoyne, PA 17043-1226
(717) 731-7073

OFFICE OF DISCIPLINARY COUNSEL	:
Petitioner	:
v.	:
EUGENE ANDREW WRONA	:
Respondent	:

Attorney Registration No. 67880
No. 123 DB 2004 – Disciplinary Board

Expenses incurred in the investigation and Prosecution of the above-captioned proceedings.

08-13-2004 16 copies of Petition for Discipline $ 232.00

10-21-2004 16 copies of Answer to Petition for Discipline $ 96.00

07-06-2005 16 copies of Report and Recommendation of Hearing Committee. $ 224.00

08-25-2005 16 copies of Answer to Petition for Discipline $ 192.00

12-21-2004 Transcript of Pre-hearing Conference held on November 11. 2004 $ 869.25

03-16-2005	Transcript of Hearing held on February 8, 2005	$2,950.00
04-21-2005	Transcript of Hearing held on March 11, 2005	$2,834.00
11-26-2005	Transcript of Oral Argument held on October 11, 2005	$ 678.50
03-23-2005	Expert Witness Fee: Spectra Sound Solutions	$ 50.000
	Total Amount Due	**$8,575.00**

Make Check Payable to PA Disciplinary Board
Payment is required upon receipt of order

* Submitted pursuant to Rule 208(g) of the Pa.R.D.E. and §93.111 of the Disciplinary Board Rules

In the Matter of No. 123 DB 2004

PETITIONER'S ANSWER TO THE REPORT AND RECOMMEDATION OF THE DISCIPLINARY BOARD

Petitioner corrects the "Report and Recommendation of the Disciplinary Board" ("DB Report") as follows.

The DB Report falsely claims that the recommendation of the Board is unanimous, while stating that "Board Member McLaughlin did not participate" in the decision.

C. Eugene McLaughlin (sic) was one of three Board Members who heard Oral Argument on October 11, 2005. One of three did not participate / concur in the decision.

The Board's decision is not "unanimous".

The DB Report erroneously states about Petitioner

> "He has no background of steady competent legal work to help mitigate the severity of his unwarranted behavior."

The Disciplinary Board is ignorant of Petitioner's background of competent legal work. Their statement is slander and ventures beyond the bounds of the investigation.

In addition to the Hamoui matter, where the record clearly evidences ex post facto application of law, criminal alteration of audio records and deprivation of defendant's rights by the court, Petitioner submits his record:

> Lehigh County Docket No. 97-FC-1467, Dec. 1997; invoked the UCCJA to return a child to Pennsylvania for a custody trial. Succeeded against an experienced attorney to obtain full custody for a father. Judge James Knoll Gardner commended both attorneys for their work.

> Lehigh County Docket No. 99-FC-917, 1999, prepared a divorce and custody arrangement granting primary custody for father. Successfully defended the custody arrangement against an experienced attorney. Judge Edward D. Reibman presided.

> Dauphin County Docket No. 3178 - DR – 96, successfully negotiated a material reduction of a child support case, deviating from the support guidelines.
> Northampton County, PACSES Case NO. 243001285 and NO. 669001684, defended child support actions before a prejudicial judge in a corrupt domestic relations court. See Appendix D and E for irrefutable evidence of corruption. Retired Judge Leonard N. Zito and Judge Stephen G. Baratta are involved.
The court acted without jurisdiction to illegally incarcerate defendant, arguably in retaliation against Petitioner.
> Lehigh County, Docket No. 1998-FC-1106, negotiated an improved custody schedule before Judge Black.
This case provides the MOTIVE for Judge Black filing the retaliatory charges against Petitioner for his vigorous representation against the actions of Attorney Maurer.
Judge Black appears with "unclean hands" to assist Maurer violate Rules of Professional Conduct. .
Other violations occurred in this case, including the illegal editing of an audio record.
> Lehigh County, No. 2000-FC- 9502005, 2005, successfully negotiated a custody schedule for a father that nearly triples the standard custody awards in Lehigh county. Judge Brian Johnson presided.
> Lehigh County, PACSES Case NO. 630002007, March 2005, Petitioner successfully obtained the release from prison of a father unlawfully held in contempt of court.
The court, Judge Lawrence Brenner, entered an order to dismiss the Petition for Relief, and subsequently overturned his own order due to Petitioner's efforts.
Judge Black is aware of these proceedings.
> Luzerne County, Docket. No. 3000-C of 1994, ongoing since Jan. 2004. Obtained an order to VACATE a custody modification then moved for shared custody at the request of one of three children . The court would not speak with

the competent minor requesting shared custody. Petitioner negotiated a comprehensive custody settlement undermined by a family court attorney (solicitor). The judge refused to enforce the agreement, and recused himself.
The next assigned judge obstructed access to the court, permitting the solicitor to obstruct resolution. She recused herself sua sponte when the solicitor brought a [false] charge of contempt against father.
Judge Michael T. Conahan assigned himself to the case and heard the argument for contempt. He has yet to enter a decision for that matter to the detriment of Father and the children. He proceeded to the custody dispute and entered an inadequate custody order that continues to generate disputes between the parents.
Father's motion to disqualify the solicitor was argued on March 24, 2004. Judge Peter Olszewski, Jr. has yet to enter an order resolving that issue, a clear violation of his ministerial duty.
> Petitioner testified before the PA Senate subcommittee for family law which was broadcast over PCN, the Public Cable Network. This video shows Petitioner's advocacy for the right of both parents to rear their children and children's right of equal access to both parent.

Petitioner stands proudly on his record.

Throughout these cases where he frequently faced a hostile court, Petitioner continued to demand that judges perform their duties with fidelity to their office. Not one of these judges complained about Petitioner violating Rules of Professional Conduct until Judge Alan M. Black filed the charges in retaliation, and to protect Attorney Maurer.

Considering Petitioner's history and performance in hostile courts, the DB Report and Recommendation is a fabrication woven by ODC and Judge Alan M. Black.

The remainder of the DB Report is no more accurate or truthful than its report of Petitioner's legal accomplishments.

1) HISTORY OF PROCEEDINGS

This section of the DB Report neglects to note the Pre-trial Conference held on November 22, 2004, and Petitioner's objections to the deprivation of rights. This omission establishes the prejudice inherent in the DB Report.

The DB Report neglects to note that on October 11, 2005, Petitioner requested and was granted permission to add his "written" Oral Argument as a supplement to the record.

The Board either did not review the Oral Argument, or employed the axiom "Please don't confuse me with facts."

Respondent was promised adjudication by the Supreme Court of Pennsylvania following the exercise of his right to demand a review, the right of appeal pursuant to Article V, Section 9 of the Constitution of Pennsylvania.

That Constitutional right was disregarded below.

2) FINDINGS OF FACT

Petitioner objects and takes exception to 35 of 64 "Findings of Fact" as enumerated in the DB REPORT as either FALSE or FALSE AND MISLEADING.

"Findings of Fact" 24, 26, 29, 31, 34 and 39 specifically state that Petitioner made "false" accusations about Judge Black or the court. Each of these "Findings" is FALSE.

The DB Report is prejudicially devoid of exculpatory evidence. To reach its conclusion the Board had to ignore the unrefuted testimony of three witnesses to deficiencies (edits) of four audio records, a forensic report attesting to hard edit points on an audio tape, irrefutable evidence of ex post facto application of law, perjury by ODC witnesses including Judge Black, and the extreme measures employed to limit Petitioner's defense. See APPENDIX G.

Consideration for space limitations prevent a detailed correction of every false "Finding". Petitioner offers the following as proof of criminal alteration of audio tapes.
STMTS. 48, 49, 50, 51 and 52 are materially FALSE.

McLarnon is a credentialed forensic audio expert, having taught physics of audio to MIT undergraduates. [1NT, 254]

He conducted more than one hundred forensic examinations of audio records and is able to examine audio records down to one one-thousandth of a second. [1NT, 248-249]

In this case, he examined three audio tapes in his studio. He was prohibited from presenting a forensic analysis of more than one audio tape to prevent an insurmountable evidentiary challenge for ODC to overcome.

Petitioner identified more than two dozen places on three audio tapes where "discrepancies (edits)" should be found. McLarnon testified that every place on the record where he was directed, he found evidence of a distortion of the signal, an inconsistency or "hard edit point", an anomaly.

ONE EDIT is sufficient evidence of criminal misconduct.

The Board's "Finding" that McLarnon concluded that the hard edit point(s) occurred during the copying process is False and is refuted by the same hard edit point appearing on the report of the prosecutor's "expert", James McGee.

McGee examined the alleged "original" audio tape of the same court hearing. His report shows the same "hard edit point" which cannot appear on the original based on testimony by court monitors. Since McGee's forensic finding matches McLarnon's forensic finding, the alleged "original" has been altered, as stated in Petitioner's Oral Argument.

The DB Report fabricates an convoluted construction of logic to discount the testimony and evidence of a credentialed expert and to ignore other exculpatory evidence. The Report reiterates the FALSE characterization of ODC, an intentional distortion of facts.

The DB Report cannot be accepted as a truthful record of facts.

APPENDIX C

SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

John A. Vaskov, Esquire
Deputy Prothonotary

Patricia Nicola
Chief Clerk

801 City-County Bldg.
Pittsburgh, PA 15219
(412) 565-2816
www.aopc.org

May 23, 2006

Eugene A. Wrona
2040 Virginia Street
Allentown, PA 18103

Dear Mr. Wrona,

Enclosed are oaths of office for ten attorneys, per your request, with a receipt showing payment of $10.00. Because the microfilm records we have on site date from 1971, we cannot provide copies of the oaths of office for the following attorneys who were admitted before 1971.

[names redacted]

You may wish to check the state archives in Harrisburg with respect to these. The phone number for the state archives is 717-783-9873.

Also, we were unable to find the oaths of office for the following attorneys on the microfilm rolls where they should be located.

Alan J. Davis (11/15/71) Paul J. Killion (5/6/75)
Leonard N. Zito (11/18/71) Edward D. Reibman (1/3/74)
[other names redacted]

Because not all of the requested oaths are being provided to you, your initial check, in the amount of $20.00, is being returned.

Very truly yours,

Office of the Prothonotary

Enclosures

Note: Petitioner requested oath of office information on the following, which was not found.

Paul J. Killion; Chief Disciplinary Counsel
Pa. Supreme Court ID No. 20955

Alan J. Davis; Disciplinary Counsel
Pa. Supreme Court ID No. 12332

Both attorneys represent The Disciplinary Board of The Supreme Court of Pennsylvania; Office of Disciplinary Counsel in District II at the Trooper, PA office.

Edward D. Reibman, Judge – Lehigh County
Pa. Supreme Court ID No. 18374

Leonard N. Zito, Judge – Northampton County
Pa. Supreme Court ID No. 09927

APPENDIX D

IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY PENNSYLVANIA
DOMESTIC RELATIONS SECTION

Mary T. Duncan,	:	Case ID#: 669001684
Plaintiff,	:	Docket #: DR -72695
Vs.	:	
Jeffrey W. Fluck,	:	
Defendant,	:	
&		
Tonya A. Kulp ,	:	
Plaintiff,	:	Case ID#: 243001285
Vs.	:	Docket #: DR -18191
Jeffrey W. Fluck,	:	
Defendant,	:	

STATEMENT OF THE COURT

Appellant, Jeffrey Fluck filed two Notices of Appeal in each of his support matters. Appellant filed an appeal on December 21, 2005 to a Notice to Appear. Appellant also filed an appeal on December 15, 2005 to the December 5, 2005 Order, which DENIED his Nunc Pro Tunc appeal. Since that time, Appellant has obtained new counsel to represent him. The issues in the underlying support matter have been resolved as a result of Appellant's qualification for Social Security Disability. Nevertheless, these appeals remain of record.

The issues appealed by Appellant are not appealable issues. The issues are moot because the support matter is proceeding based upon a finding that Appellant is disabled

and .will be receiving social security disability. This Court takes no action on these appeals for these reasons. This Court is not clear on the status of Appellant's former counsel as his attorney of record for these appeals.

BY THE COURT:

s/ Stephen G. Baratta J.

Clocked in as RECEIVED by the
Northampton County, PA Domestic Relations Section
2006 FEB – 3 P 2:25

IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY PENNSYLVANIA
DOMESTIC RELATIONS SECTION

Tonya A. Kulp,	:	
Plaintiff,	:	DOCKET NO: 72695 (sic)
Vs.	:	CASE ID: 243001285
Jeffrey W. Fluck,	:	
Defendant,	:	

ORDER OF COURT

AND NOW, this 5th day of December, 2005, the defendant having filed with this Court a pleading captioned "Notice of Appeal Nunc Pro Tunc", this Court discerns the pleading as a motion to proceed in forma pauperis Nunc Pro Tunc, and denies the mortion as non-compliant with PaRCP 240.

BY THE COURT:

s/ Leonard N. Zito, J.

Original: Docketing
Xc: Defendant
Eugene A. Wrona, Esq.
Plaintiff
Ellen S. Kingsley, Esq.
RVV/sls
Mailed: 12/7/05

IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY PENNSYLVANIA
DOMESTIC RELATIONS SECTION

Mary T. Duncan,	:	
Plaintiff,	:	DOCKET NO: 18191 (sic)
Vs.	:	Case ID#: 669001684
Jeffrey W. Fluck,	:	
Defendant,	:	

ORDER OF COURT

AND NOW, this 5th day of December, 2005, the defendant having filed with this Court a pleading captioned "Notice of Appeal Nunc Pro Tunc", this Court discerns the pleading as a motion to proceed in forma pauperis Nunc Pro Tunc, and denies the mortion as non-compliant with PaRCP 240.

BY THE COURT:

s/ Leonard N. Zito, J.

Original: Docketing
Xc: Defendant
Eugene A. Wrona, Esq.
Plaintiff
Ellen S. Kingsley, Esq.
RVV/sls
Mailed: 12/7/05

APPENDIX E

IN THE SUPERIOR COURT OF PENNSYLVANIA
EASTERN DISTRICT

TONYA KULP,	:	
APPELLEE	:	No. 348 EDA 2006
V.	:	
JEFFREY W. FLUCK,	:	
APPELLANT	:	

PETITION FOR REDRESS

The Honorable Edward G. Rendell
Governor -- Commonwealth of Pennsylvania
225 Main Capitol
Harrisburg, PA 17120

RE: Request to Investigate Judicial Misconduct: i.e., **GOOD vs. EVIL**

Dear Governor Edward G. Rendell:

If it is true that the Constitution of the United States is a GOOD document, which we the people may assume because our rights and privileges as individuals are secured under that document, and because the Oath of Office as sworn to by public officers in this Commonwealth requires allegiance to and support of that Constitution, then it follows *a priori* that failure to support and obey that Constitution is EVIL.

> "Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the equal protection clause of the Fourteenth Amendment." Yick Wo v. Hopkins, 118 US 356 (1886).

I write you now to petition the Government for a redress of grievances under my rights as a citizen as secured by the U.S. Constitution, Amendment I. The grievance forwarded to you, as Governor of this Commonwealth, arises from the egregious tyrannical conduct of courts of law within this Commonwealth; conduct which when examined as whole cloth reveals a systemic failure to support and obey the Constitution of the United States. It is therefore not unreasonable to describe the operations of those courts and the administrators of those courts as EVIL.

On behalf of myself and other citizens and inhabitants of this Commonwealth, I demand an "Investigative Grand Jury" be empanelled to investigate the corruption of the judicial process in Northampton County Court of Common Pleas, Domestic Relations section. The investigation should focus on the unconscionable conduct and activities of certain judges and the Director of Domestic Relations in Northampton County as detailed in part, herein. These public officers engaged in a conspiracy to deprive Mr. Fluck of his rights and his liberty via an egregious misapplication of law and a tyrannical exercise of authority outside the scope of their authority and jurisdiction.

These persons engaged in a conspiracy [with others] to deprive Jeffrey W. Fluck [and others] of rights secured under the Constitutions and laws of the United States and this Commonwealth, and his civil rights and personal liberty contrary to 42 U.S.C. § 1985, 18 Pa.C.S. § 903 and other laws. See Appendix.

As you may recall, Governor, on December 23, 2005, I sent you a letter via FACSIMILE requesting protection for my client, Jeffrey W. Fluck, and myself from the vicious, malicious, tyrannical and despotic conduct by the Court of Common Pleas of Northampton County and the domestic relations section of that court.

The principles for the court are the Honorable Stephen G. Barratta, Judge, the Honorable Leonard N. Zito (retired), and Ruth Vega-Velez, Director of Northampton County Domestic Relations. These persons [officers of the court] engaged in conduct to deprive Mr. Fluck's of due process and equal protection of the law; and to interfere with and to obstruct his Constitutional right to an Appeal. See Const. of PA, Article V, Section 9. They intentionally withheld Notices of Appeal filed in Northampton County, and refused to perform their duties under Rules of Appellate Procedure. Appended hereto as Doc. **A-9**, is Defendant's Answer to the Statement of the Court [appended hereto as Doc. **A-8**] that identifies several appeals filed in the lower court, and not submitted to the appellate court. It is not unreasonable to presume a "pattern and practice" of corrupt actions in this court.

The principles named above conspired to misapply the child support guidelines and to incarcerate Mr. Fluck under false charges of contempt to demonstrate from their respective office that contrary to public opinion, some people are above the law. The actions of the Honorable Stephen G. Baratta, the Honorable Leonard N. Zito, and Director Ruth Vega-Velez constitutes criminal misconduct under color of law. The incarceration of Jeffrey W. Fluck was a malicious and despicable act. It follows *a priori* that despicable acts are perpetrated by despicable individuals.[1]

Appended hereto is an Order entered by the court on December 29, 2005, that dictates to defendant which attorney shall represent him before that corrupt court. At the time of this Order, jurisdiction was transferred to the appellate court via Notices of Appeal which were withheld from the appellate court. This order exceeds the lawful authority of any judge in any court.

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[1] I make no apology for my choice of words. Under circumstances such as this, efforts at diplomacy are inappropriate.

The criminal conspiracy of these public officers renders them as being ethically, morally and professionally bankrupt. Each of them must be removed from public office. Each of them must be subjected to professional discipline, including disbarment.

Their Conduct is Intolerable and Despicable!

Pennsylvania Judges act with impunity under the fictitious doctrine of judicial immunity. Immunity does not extend to judges who act outside their duties and oaths of office. A judge who acts without jurisdiction becomes a trespasser at law, committing acts of treason. See Appendix.

Judge Barratta confesses in his "STATEMENT OF THE COURT" (Doc. **A-8**), filed February 3, 2006, that this court [illegally] DENIED appeals in violation of a duty under Pa.R.A.P. 902 et seq, intentionally obstructing the transfer of jurisdiction after an appeal was filed. Several appeals were filed but were never transmitted to the appellate court AS REQUIRED under Pa.R.A.P. 905(b). The appeals filed on December 15, 2005, were not transmitted to the appellate court until on or about February 2006.

The court interfered with the DUTY of the clerk to transmit Notices of Appeal to the appellate prothonotary as required under rules of court, supra. Interfering with transfer of records constitutes "tampering with public records or information". 18 Pa.C.S. § 4911. This court demonstrates a pattern and practice of obstructing appeals and in failing to provide adequate notice to litigants pursuant to the applicable rules of court.

A court that consciously refuses to administer the law in accordance with its own rules must be deemed corrupt and at war with the Constitution. A court at war with the Constitution is deprived of subject matter jurisdiction. See Appendix. Your office must take preventive action to ensure that this court and its operatives are prohibited from

harassing, intimidating, and terrorizing individuals otherwise subject to that court's jurisdiction.

In December, your office failed to act on my request to protect Mr. Fluck's civil rights and his liberty allegedly secured under the Constitutions of the U.S. and Pennsylvania. As a result, Mr. Fluck was illegally incarcerated under a Bench Warrant issued by a corrupt judge and/or a corrupt Domestic Relations section that DENIED appeals and withheld Notices of Appeal, contrary to their duty and the rules of court. It is clear that this court maliciously intended to prosecute Mr. Fluck. The actions in this corrupt court manifest the description of "domestic terrorists" that I subscribe to corrupt judges. The court (via Domestic Relations) was served with NOTICE that jurisdiction was lacking, but it proceeded to incarcerate Mr. Fluck, arrogantly advertising itself as omniscient, above the law. See Appendix Doc. **A-10**.

Executive Branch Duty

Pennsylvania's Governor has a duty to obey and support the Constitutions of this Nation and this Commonwealth under Article VI, Section 3 of the Constitution of Pennsylvania.

Instead of supporting the Constitution and protecting Mr. Fluck, you responded by forwarding my 'request for protection' to the Department of Public Welfare, Bureau of Child Support Enforcement. I received a letter from a Mr. Daniel N. Richard, Director of the Bureau of Child Support Enforcement dated February 8, 2006, instructing me to direct my complaint to the Judicial Conduct Board ("JCB").

First, I requested PROTECTION of my client under the Constitution. My correspondence to you was not a complaint, **it is a petition for protection**. My request was ignored.

Second, the JCB is not an appropriate agency to review such judicial conduct as a complaint. The JCB does not review complaints grounded in actions of a court in its alleged judicial capacity.[2] The JCB lacks jurisdiction to review charges of judicial misconduct.[3] Mr. Richard should be aware of the review limitations of the JCB. He nevertheless participated in a charade to obfuscate and divert the issues brought to your attention.

Transferring my 'request for protection' to the DPW/Bureau of Child Support Enforcement was an egregious error of judgment on your part. Domestic Relations sections in each county have an inherent 'conflict of interest' that arises from financial incentives derived through the Bureau of Child Support Enforcement. The "Bureau" would be the last agency to conduct an independent investigation of judicial corruption in domestic relations and county courts. In my opinion, the Bureau of Child Support Enforcement is most probably the cause, if not the source of the conflict of interest and therefore the source of corruption in Pennsylvania family courts.

It would be disingenuous of me to pretend that you are not aware of the financial windfall that enters Pennsylvania via the federal Child Support Enforcement Act, and that the courts have become the conduit for enormous financial benefits distributed to Pennsylvania courts under that Act and collateral laws.

Remedy

As an inhabitant and citizen of this Commonwealth, I am now demanding that the Executive branch of this State government exercise its duty under the Constitution of Pennsylvania to empanel an Investigative Grand Jury to

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[2] See Appendix for a list of issues subject to review by the Judicial Conduct Board.

[3] See Appendix, Doc. **A-1**, page 4.

investigate the Court of Common Pleas of Northampton County, Pennsylvania, to discover whether that court, by and through the officers named above, abused its authority to illegally incarcerate Mr. Jeffrey W. Fluck, and other egregious offenses against the people of this Commonwealth.

The Northampton County investigation should include an investigation to determine whether the Domestic Relations section and the court intentionally misapply Pennsylvania's Child Support Guidelines; Pa.R.C.P. 1910 et seq to the detriment of hundreds, perhaps thousands of children.

The Investigative Grand Jury must investigate whether the principles named above:

- conspired to misapply the support guidelines;
- conspired to threaten, intimidate, harass, and incarcerate Mr. Fluck;
- conspired to create an issue under which to charge Mr. Fluck with contempt, *i.e.*, to fabricate charges against an innocent person;
- illegally incarcerated Mr. Fluck;
- conspired to obstruct the judicial process for appeals;
- obstructed the appellate judicial process contrary to their duty under Rules of Appellate Procedure;
- had a pre-determined outcome of the Fluck cases, i.e. , the cases were "fixed";
- conspired to present perjured testimony for the record;
- perjured themselves and suborned the perjury of others;
- committed acts of treason against the Constitution of the United States;
- submitted knowingly false information 'to' and/or withheld material information 'from' the appellate court. See PERJURY, Model Penal Code § 241.1 and 18 USC §§ 1621 and 1623 among others;
- engaged in a criminal conspiracy under 18 Pa.C.S. § 903;]

- engaged in other criminal acts. See 18 Pa.C.S. § 4911 – Tampering with public records or information;
- engaged in other corrupt acts or practices;
- engaged in conduct that constitutes **NEGLECT OF DUTY, MALFEASANCE,** or **CORRUPT ACT OR PRACTICE.**

As an inhabitant and citizen of this Commonwealth, I demand further that the Executive Branch of this State government empanel an Investigative Grand Jury to investigate the criminal alteration of audio records of court proceedings in Lehigh County Court of Common Pleas, and collateral activities to cover up these crimes. The Disciplinary Board of the Supreme Court of Pennsylvania is in possession of forensic evidence of the physical alteration of an audio tape record from that court. See **123 DB 2004**.

The Lehigh County investigation should include an investigation of the Honorable Alan M. Black to determine whether Judge Black:

- is an accessory to the criminal alteration of audio records in his court; See 18 Pa.C.S. § 4911 – Tampering with public records or information.
- conspired with the Lehigh County Office of District Attorney to obstruct a party's right to file criminal charges for the illegal alteration of audio records;
- conspired with the Office of Disciplinary Counsel, to wit, Alan J. Davis, Esquire, to bring false charges against the undersigned with the Disciplinary Board of the Supreme Court of Pennsylvania, re **123 DB 2004**;
- perjured himself in documents to the Judicial Conduct Board;
- perjured himself in his testimony before the Disciplinary Board;

- conspired with the Office of Disciplinary Counsel, to wit, Alan J. Davis, Esquire, to suborn the perjury of others in the disciplinary action against the undersigned;
- suborned the perjury of court monitor Diane Snell;
- knowingly conspired with others to admit perjured testimony of one or more witnesses in a custody matter;
- conspired Susan G. Maurer, Esquire, to violate the Rules of Professional Conduct; RPC 1.5(a)(4) among others;
- violates the Code of Judicial Conduct, including Canon 3.B(4);
- engaged in conduct that constitutes **NEGLECT OF DUTY, MALFEASANCE,** or **CORRUPT ACT OR PRACTICE;**
- is unfit for office.

The Lehigh County investigation should also review whether the Office of the District Attorney in Lehigh County (James B. Martin, Esquire, D.A.) was derelict in its duty when it obstructed persons from filing charges against the court for tampering with records. See 18 Pa.C.S. 4911.

EDITORIAL

The court is the most frequent direct interface between the citizens of this Commonwealth and their government. Article VI, Section 3 of the Constitution of Pennsylvania states that judges **shall**, before entering on the duties of their office, subscribe to the oath of office thereto. It follows, *a priori*, that the public has a right to expect that judges shall perform the duties of their office in accordance with the Oath of Office affirmation to support the Constitution of the United States and the Constitution of PA; **a sacred trust**.

The court has a duty to protect the Inherent Rights of Man (PA Const., Article I, Section 1) from governmental excesses. It must administer the law under the highest standards of integrity. The public has a right to expect Honor, Honesty and Integrity in its courts.

When a court becomes the perpetrator of the deprivation of a citizen's rights, or acts in Dishonor or Dishonestly, the court no longer serves the people and must either be dissolved or reformed.

In addition to the grievances listed above, the investigations in both counties should probe into a practice that I refer to as "state-sanctioned stealing" under color of law. This practice requires a county to illegally convert a finding of civil contempt into punishment under "criminal contempt" law. Civil contempt is intended to be curative, and not punitive. To the best of my knowledge, there is no LAW or even a rule of court under civil contempt that permits punitive damages. This practice is illegal and must cease.

Charging rent against civil contemnors creates a "debtors prison", in violation of the federal Constitution exercised by the courts.

The law administrators have become law breakers.

A government which fails to protect the rights of its lawful citizens is tyrannical and despotic. I humbly plead with your Office to take the necessary steps to clean up the corruption that has invaded the courts of this Commonwealth.

A solution will not arise from legislative action. Courts simply disregard the clear and unambiguous language of the law. The legislature will not and can not act in a reasonable timeframe to resolve problems that require immediate attention. The recent "midnight pay raise" offers compelling evidence that the legislature and the court act in collusion to forward their own parochial interests. The legislature cannot be relied on to assert their responsibility of "checks and balances" against the judicial branch.

The Executive branch must exercise its duty under the "checks and balances" doctrine to restore some integrity to the bench (court) and to fulfill its duty under Article IV, Section 2 of the Constitution of Pennsylvania. Investigative Grand Juries are an initial step to this end.

The undersigned and on behalf of Jeffrey W. Fluck and others respectfully request your immediate attention to this demand for a redress of grievances against the court, a section of our tripartite form of government.

Thank you for your prompt attention and positive actions in response to these grievances.

Respectfully submitted,

s/ Eugene A. Wrona

Attorney for Appellant, Jeffrey W. Fluck
2040 Virginia Street
Allentown, PA 18103
Supreme Court ID # 67880
Tele. (610) 798-4840

APPENDIX F

SHOULD A JUDGE WHO ACTS IN THE FOLLOWING MANNER CONTINUE TO SIT IN JUDGEMENT OVER THE AFFAIRS OF OTHERS?

ACCEPTABLE COURT CONDUCT
Judicial Error (without prejudice)
Applying the law fairly to both parties
Correcting judicial mistakes
Abiding by the Code of Judicial Conduct
Preserving the integrity of the Court

UN-ACCEPTABLE COURT CONDUCT
Disregarding the Constitution (U.S. and Pa.)
Denying a litigant Due Process of Law
Denying a litigant Equal Protection of law
Applying Rules of Evidence differently for the parties
Altering the record of proceedings
Covering up Criminal Acts within the court system
Obstructing access to court records
Violating the Code of Judicial Conduct
Expressing prejudice

Judge Alan M. Black Must be IMPEACHED FROM OFFICE for:

- enforcing a law *ex post facto* in violation of the U.S. and Pennsylvania Constitutions;
- violating my 14th Amendment rights under the Constitution of the United States;
- intentionally depriving me of due process of law;
- intentionally depriving me of equal protection of law;
- failing to protect my Constitutional right to a hearing in a fair and impartial court;

- intentionally violating my fundamental rights for a hearing on the merits;
- intentionally misapplying the law;
- violating Canons 1, 2, and 3 of Pennsylvania's Code of Judicial Conduct;
- disregarding Pennsylvania Rules of Evidence; (using different standards for each party; -- accepting facts not in evidence; disregarding competent testimony; etc.)
- giving *prejudicial* superior weight to misrepresentations of fact and law by opposing counsel;
- intentionally refusing to take judicial notice of misrepresented facts, failing to correct them;
- intentionally misrepresenting facts and the law in his written Opinion;
- intentionally preventing timely access to court records;
- verbally expressing prejudice against my attorney;
- unlawfully removing audio tapes from the protection of the court reporter;
- facilitating the unlawful alteration of the audio record of proceedings, an obstruction of justice;
- violating the Code of Judicial Conduct by withdrawing his recusal after recusing himself following allegations of criminal misconduct; and later denying a motion demanding his disqualification;
- knowingly permitting a court reporter to testify falsely, thereby suborning perjury.

A fundamental requirement for a hearing on the merits is that both parties must testify, and each party must be subject to cross-examination. Judge Black conducted my case by excusing plaintiff from testifying, accepting facts not in

evidence on behalf of plaintiff, and preventing my lawyer from cross-examining her. According to the U.S. Supreme Court, Judge Black violates my right to due process.

> "In almost every setting where important decisions turn on questions of fact, due process requires opportunity to confront and cross-examine witnesses." Goldberg v. Kelly, (1970).

The duty of the court is to seek the truth, and then to apply the law to the true facts in the matter. A judge who conceals or misrepresents the truth is UNFIT for Office, and Must be IMPEACHED.

I have submitted a Petition to Impeach Judge Black before the Pennsylvania House of Representatives. Write to your State Representative advising him/her to Impeach Judge Alan M. Black.

APPENDIX G

STATE of ..)
) Asseveration
COUNTY of)
) L.S. _____ {SEAL}
The united States of America) only in capacity as beneficiary of the Original Jurisdiction

STATE of ..)
) Asseveration
COUNTY of)
) L.S. _____ {SEAL}
The united States of America only in capacity as beneficiary of the Original Jurisdiction

FIAT JUSTITIA, RUAT COELUM
Let Right Be Done, Though The Heavens Should Fall

I, Farouk Z. Hamoui, in correct public capacity as beneficiary to the Original Jurisdiction, being of majority age, competent to testify, a self realized entity, a free man upon the land, my yes be yes, my no be no, do state that the truths and facts herein are of first hand personal knowledge, that they are true, correct, materially complete, certain, not misleading, so help me YHVH.

AFFIDAVIT of FAROUK Z. HAMOUI regarding the Transcribed Record of a Hearing et al before The Disciplinary Board of the Supreme Court of Pennsylvania on March 11, 2005: No. 123 DB 2004.

1. I, Farouk Z. Hamoui, am of legal age and competent to testify.
2. I have first hand knowledge of the facts stated herein.
3. I was present in the courtroom during the entire proceeding on March 11, 2005.
4. Alan J. Davis, Esquire, prosecuted the case on behalf of the Disciplinary Board.
5. Eugene A. Wrona is the respondent.
6. Gregory Hession, Esquire, assisted in the defense.
7. The Disciplinary Board panel consisted of James Keath Fetter, Esquire, Chairman, Terry Dennis Weiler, Esquire, and Cathy A. Wilson, Esquire.
8. I heard with my own ears the closing argument delivered by Alan J. Davis, Esquire, of the Office of Disciplinary Counsel.
9. I heard Attorney Davis refer to Eugene A. Wrona, respondent, as a "criminal" at least three times in his closing argument on March 11, 2005.
10. I heard Attorney Davis later refer to Eugene A. Wrona as "paranoid" after calling him a criminal three times in his closing argument.
11. Eugene A. Wrona, myself and Edward McLarnon, a witness for respondent discussed the closing argument by Attorney Davis extensively on the ride back to Allentown immediately following the conclusion of the hearing on March 11, 2005, especially about Attorney Davis calling Mr. Wrona a criminal three times at the end of his speech.
12. I have read the relevant sections of the transcribed record of the proceeding of March 11, 2005 in the above matter.
13. The transcribed record of the hearing for 123 DB 2004 on March 11, 2005, does not include the remarks by Attorney Davis referring to Mr. Wrona as a 'criminal' three times.

14. The transcribed record of the hearing for 123 DB 2004 on March 11, 2005, does not include Attorney Davis' remark referring to Mr. Wrona as 'paranoid' once thereafter.
15. The transcribed record should show Attorney Davis calling Mr. Wrona a "criminal" three times and "paranoid" once. It does not contain this name-calling.
16. I swear and aver that the transcribed record does not completely, accurately and truthfully reflect the closing argument of Alan J. Davis, Esquire, in the above case.
17. Because the name-calling language by Attorney Davis does not appear in the transcribed record of the Disciplinary Board proceedings in 123 DB 2004, those transcribed records are not complete, not truthful, not accurate and not reliable.
18. I swear and aver that the transcribed record for the March 11, 2005, hearing has been illegally edited.
19. Prior to the conclusion of the hearing on March 11, 2005, I rose to speak upon invitation of the chairman of the hearing panel (2NT, page 356) following the closing argument by Mr. Wrona's attorney, Gregory Hession, Esquire.
20. The transcribed record of the hearing for 123 DB 2004 does not include my remarks to the court (or panel).
21. My voluntary statement was deleted from the transcribed record.
22. Because my voluntary statement to the court (or panel) does not appear in the transcribed record of the Disciplinary Board proceedings in 123 DB 2004, those transcribed records are not complete, not truthful, not accurate and not reliable.
23. I swear and aver that the transcribed record for the March 11, 2005, hearing has been illegally edited.
24. On February 8, 2005, I testified on behalf of Eugene A. Wrona in the matter of 123 DB 2004.

25. I was present in the courtroom on September 24, 1997, where Judge William E. Ford presided over a child support hearing and a contempt of court hearing.
26. I testified that the audio record of a child support hearing conducted on September 24, 1997, does not include certain remarks of my testimony before the court (Judge Ford).
27. My testimony at the disciplinary board hearing is not refuted.
28. My testimony about the September 24, 1997 hearing is the truth and is not controverted.
29. I heard with my own ears the discussion between the court, Mr. Wrona, and Attorney Susan Maurer, about whether I was raising a paternity challenge in my support case.
30. Attorney Maurer raised the question as to whether we should be permitted to have a hearing because Mr. Wrona had withdrawn the appeal.
31. Mr. Wrona told the court that he had withdrawn the paternity challenge, and explained to the court what he had done and with whom. He also said that he did not withdraw the appeal of the domestic relations support order. He told the court that it could confirm with the Domestic Relations director.
32. According to the record in the disciplinary case against Mr. Wrona, Attorney Maurer also remembered that discussion as taking place before the judge. [1 N.T., 228 -229]
33. That discussion is not on the audio tape for the September 24, 1997 hearing, and does not appear in the transcribed record of that hearing.
34. I testified at the disciplinary hearing that I cited the mayor's office as a place where I went looking for employment. The judge named the mayor, several times.

35. The audio tape and the transcribed record for that hearing does not contain the name "Mayor Heydt" anywhere at all.
36. I swear and aver that this data was deleted from the audio tape, and that the audio tape for that hearing was edited.
37. Attorney Maurer's testimony at Mr. Wrona's disciplinary hearing about the preliminary discussion of a paternity challenge confirms what Mr. Wrona has said, that the audio tapes for the September 24, 1997 hearing were illegally edited. [1 N.T., 228 -229]
38. I testified that I ***twice*** attempted to file criminal charges against the court with the District Attorney for Lehigh County for illegal alteration of records, but was refused twice by a Mr. Dennis Steckel, Chief Detective for the District Attorney.
39. The first time he lead me and Mr. Wrona from the office. The date of this instance was October 2, 2000, which I clearly remember.
40. On October 2, 2000, I was in court with Mr. Wrona to present a motion about the record. Judge Black continued the hearing because Attorney Maurer did not show up.
41. At the end of that hearing, Mr. Wrona asked the court for a copy of the audio tape of the hearing and if he could get it that same day.
42. Diane Snell and Judge Black together said that the tape copying machine was broken.
43. Mr. Wrona then asked, before the hearing ended, if he could get a copy in a few days.
44. Judge Black said that he would let him (Mr. Wrona) know.
45. As we were leaving the courtroom, Diane Snell approached me and told me that I need to get another attorney.
46. She said that nobody likes my attorney.
47. I told her that I did.

48. Mr. Wrona then took me from the courtroom telling me that arguing with her is useless.
49. Immediately after leaving the courtroom, probably a little after 2:00 PM, we went directly up the stairs to the Office of the District Attorney to file criminal charges against the court and to demand an investigation of the alteration of the audio records of the hearings on October 20, 1999 and January 12, 2000.
50. On that date, we left the DA's office when Detective Steckel told us to.
51. The second time, we would not leave until Detective Steckel called for assistance of the Sheriff's department, during which a deputy sheriff put his hand on his gun in a threatening manner. (See 1NT, 338-339). Then we left.
52. My testimony at the disciplinary board hearing is not refuted.
53. My testimony about the Chief Detective Steckel is the truth and is not controverted.
54. On October 20, 2000, I testified before Judge Alan M. Black that the audio record of a hearing on October 20, 1999, does not include specific dialogue ("We have what we have.") spoken by Judge Black during the 1999 hearing.
55. My testimony of October 20, 2000, was not refuted.
56. My testimony about Judge Black saying on October 20, 1999, "We have what we have." is the truth and is not controverted.
57. I executed an Affidavit attesting to that omission from the record for October 20, 1999 hearing, and demanded an investigation into charges that audio tapes were being illegally edited. . See copy of my Affidavit identified as Exhibit "Z" for the disciplinary hearing.
58. My Affidavit is truthful, is not refuted or controverted.
59. Judge Black tries to get my testimony thrown out by calling it "meager evidence".

60. Any evidence of government wrongdoing is not "meager evidence".
61. I am unaware of any evidence that refutes or rebutts my testimony or my Affidavit regarding deficiencies in the audio record for October 20, 1999.
62. I am unaware of any evidence that refutes or rebutts my statement that the transcribed record for the March 11, 2005, Disciplinary Board proceeding is not complete, not accurate, not truthful and not reliable.
63. I was present in the courtroom on October 20, 2000, when Diane Snell, court monitor testified under oath that she gave the audio tapes to Judge Alan M. Black.
64. Judge Alan M. Black did not refute or deny the testimony of Diane Snell that she gave the audio tapes to him.
65. I have absolute recollection that Judge Alan M. Black took custody of the audio tapes of my hearings on October 20, 1999 and January 12, 2000, because on January 16, 2002, I executed an Affidavit that was appended to a Petition to IMPEACH Judge Black, where I state under penalty of perjury that Judge Black had custody of the audio tapes.
66. This Affidavit is part of the document submitted to the House of Representatives for the impeachment of Judge Alan M. Black.
67. After Diane Snell testified that she gave the tapes to the judge, Mr. Wrona then asked her about the chain of custody, and whether she could then certify the integrity of the audio records.
68. Judge Black then engaged Mr. Wrona in a discussion where Mr. Wrona held Judge Black responsible for the integrity of the audio records because he took possession.
69. During this discussion, Judge Black asked Mr. Wrona if he was accusing the judge of altering the audio records.

70. Mr. Wrona said that because the judge had taken possession, he becomes responsible for the integrity of the audio records.
71. This is where Judge Black recused himself and terminated the proceedings while Diane Snell was still on the witness stand.
72. Mr. Wrona asked if he could ask her more questions.
73. Judge Black said "NO", the proceedings were terminated when he recused himself saying "I can't wait to testify" as stated by Reginald Wrona.
74. Judge Black testified at these Disciplinary Board hearings against Mr. Wrona.
75. I understand that in his testimony he DENIED **'under oath'** that he ever took custody of these audio tapes.
76. When Judge Alan M. Black testified during the Disciplinary hearings that he never had possession of the audio tapes from my hearings in October 1999 and January 2000, Judge Black LIED under oath.
77. I was present in the courtroom on December 6, 2000, when Diane Snell testified under oath that she never said the tape copying machine was broken. (N.O.T. October 2, 2000)
78. Another question to her asked if Judge Black ever said that the tape copying machine was broken. (N.O.T. October 2, 2000)
79. She again testified under oath that Judge Black did not make such a statement.
80. When Diane Snell testified during the Disciplinary hearings that she never transferred possession of the audio tapes from my hearings in October 1999 and January 2000 to Judge Black, she LIED under oath.
81. When Diane Snell testified about the tape copying machine on December 6, 2000, she LIED under oath.
82. Judge Alan M. Black knows that Diane Snell LIED under oath during both proceedings.

83. I voluntarily make these statements under penalty for perjury.
84. I stand by the TRUTH of every statement in this document.
85. This is the sixth page of this Affidavit.

ATTESTING TO A SIX PAGE AFFIDAVIT:
DATED: the first day of the fifth month in the year of our Lord YHVH, anno Domini: Two thousand and six {May 5, AD2006} in or near Allentown, Pennsylvania.

SIGNED: [Farouk Z. Hamoui, Affiant]

SEAL
JURAT
Ss: Sworn to and subscribed before me by the above-named party, known or shown to be the party named, as true, correct, and not misleading, on this 1st Day of the May / Fifth month, AD2006.

NOTARY SEAL s / Shelly A. DeBellis
Notarial Seal, Shelly A. DeBellis, Notary Public
City of Allentown, Lehigh County
My Commission Expires Sept. 12, 2006

IN THE MATTER OF:

BEFORE THE DISCIPLINARY BOARD OF
THE SUPREME COURT OF PENNSYLVANIA

OFFICE OF DISCIPLINARY COUNSEL, :
PETITIONER :
v. : No. 123 DB 2004
EUGENE ANDREW WRONA, :
RESPONDENT :
Atty. Registration ID # 67880 (Lehigh County)

AFFIDAVIT of EDWARD "Zed" MCLARNON

I, Edward "Zed" McLarnon, being of majority age, competent to testify and a self-realized entity. in the presence of witnesses, do hereby depose and swear as follows:

1) I have owned and resided at the property located at 49 Hanover Street, Malden, Middlesex County, Massachusetts since 1982.
2) I have personal knowledge of the facts and circumstances as stated herein.
3) On February 8, 2005, and again on March 11, 2005, I testified as an expert witness at hearings before the Disciplinary Board of the Supreme Court of Pennsylvania in the matter captioned above.
4) I testified at this hearing as an expert witness for Respondent, Eugene Wrona.
5) My testimony on March 11, 2005, was presented to rebut the testimony of an expert witness for the Office of Disciplinary Counsel and to corroborate the findings in my forensic report that clear physical evidence supports and corroborates the eyewitness testimony of Mr. Wrona

and other eyewitnesses that an audiotape record of a Court hearing in Lehigh County Pennsylvania was indeed, edited.

6) After the conclusion of my testimony on March 11, 2005, I stayed in the hearing room until the end of the Disciplinary Board hearing to witness the proceedings.
7) During the closing statement of Attorney Alan Davis, counsel for the Disciplinary Board, Attorney Davis stated – as fact - that Mr. Wrona was "paranoid" and referred to Mr. Wrona as a "criminal" on more than one occasion.
8) While listening to Atty. (Mr.) Davis make these statements, I thought to myself that Mr. Davis was not a mental health professional or expert, yet he was making statements and conclusions of fact that Mr. Wrona was "paranoid". I remember thinking, "how could the eyewitness testimony and corroborating physical evidence of edited hearing tapes exist if Mr. Wrona was paranoid?"
9) I clearly remember my reaction to Mr. Davis' statements that Mr. Wrona was "a criminal" as, "This [claim] flies in the face of Mr. Wrona and his eyewitnesses, who clearly testified as to what was missing from the hearing tapes, and whose testimony is supported by the physical evidence of edits present on the hearing tapes" and, "How could Mr. Wrona be a criminal when he has not been convicted of any crime?"
10) To the best of my recollection, Mr. Davis characterized Mr. Wrona as "a criminal" at least two times – possibly three - during this closing speech.
11) During the ride back to Allentown after the hearing, I mentioned to Mr. Farouk Z. Hamoui and Mr. Wrona that I had red-flagged two issues concerning Mr. Davis' closing statements, and that I wanted to discuss this with them.

12) The two issues were the specific name-calling of Mr. Wrona as "a criminal" and "paranoid" by Mr. Davis, as opposed to times when he alleged Mr. Wrona was paranoid and a criminal.
13) When speaking to Mr. Wrona and Hamoui, I brought out the fact that Mr. Davis was not a mental health professional and yet he stated - as a fact - that Mr. Wrona was "paranoid."
14) Both Mr. Wrona and Mr. Hamoui acknowledged that they had heard Mr. Davis state that Mr. Wrona was "paranoid" and "a criminal" and, on other occasions, alleged that he was paranoid and a criminal.
15) I commented to Mr. Hamoui that Mr. Davis had to resort to this type of desperate act because he had no eye-witnesses with corroborating physical evidence to counter the testimony of Mr. Wrona's eyewitnesses that is supported by corroborating physical evidence.
16) We then discussed the fact that Mr. Davis had referred to Mr. Wrona as "a criminal" on more than one occasion in his closing statement.
17) The three of us discussed this issue at length for much of the ride to Allentown.
18) When the transcribed record of the hearing of March 11, 2005 was released, Mr. Wrona contacted Mr. Hamoui and I regarding the fact that Mr. Davis' statements calling Mr, Wrona "paranoid" and "a criminal" do not appear in the certified transcribed record of that proceeding.
19) Mr. Wrona sent copies of the pages containing Atty. Davis' closing speech to me, confirming the allegations.
20) The transcribed record for March 11, 2005, does not contain the specific language where Atty. Davis referred to Mr. Wrona as "a criminal", or as "paranoid". The transcript-tion still retains Mr. Davis' allegations of same, but his unsupported statements of fact do not appear in the transcript.

21) The transcribed record of that proceeding is inaccurate and not a true representation of the proceedings.
22) Mr. Hamoui, Mr. Wrona and I met in September 2005 at which time we discussed the fact that the hearing transcript was not a true and accurate record of the hearing. Our conclusion is that the Disciplinary Board of the Supreme Court of Pennsylvania has now joined with the lower court's tactics of unlawfully altering hearing records of proceedings conducted under oath.
23) At the conclusion of the hearing, the Chairman of the panel asked if anyone wished to add anything to the record.
24) Mr. Hamoui rose and briefly addressed the panel.
25) Mr. Hamoui's remarks do not appear in the transcribed record.

I, Edward "Zed" McLarnon, swear the above statements to be accurate and true to the best of my knowledge.

Signed under the pains and penalties of perjury, this 2nd day of February, 2006.

Signed: s / Zed McLarnon
Witness: [Jill McComisky] Date:

SUBSCRIBED AND SWORN TO BEFORE ME this 2 day of February 2006, by Edward "Zed" McLarnon, known to me or proven to be the individual signing this Affidavit as his own free act and deed.
Witness my hand and official seal.
My commission expires: 3/5/2010

MARLENE GILROY
Notary Public
Commonwealth of Massachusetts
My Commission expires 3/5/10

APPENDIX H

WRONA LETTERHEAD

November 7, 2003

TO: Alan J. Davis, Disciplinary Counsel
Disciplinary Board of The Supreme Court
820 Adams Avenue – Suite 170
Trooper, PA 19403
RE: File No. C2-03-688

Dear Attorney Davis;

In response to our telephone call on or about October 30, 2003, you stated that you would be prosecuting the case if it is determined that a disciplinary hearing is appropriate, and necessary. You also stated that I am entitled to "due process" in defending against this complaint. In that light, I respectfully request the cooperation of your office for clarification and protection of evidence in the following areas.

I respectfully request that you provide me with a list of witnesses that you either 'will call or intend to call' in the prosecution of your case, and a brief summary of the testimony that you expect to hear from each witness.

Keeping in mind that Judge Alan M. Black alleges, as unsworn testimony, that I knowingly and recklessly brought false accusations against him and his colleagues on the Lehigh County bench, it seems that the Disciplinary Board has the burden to prove (1) that the accusations I made against Judge Black and other members of the court are "false", and (2) that I know they are false.

It appears then that those witnesses who testified to the alteration of the audio tapes must have been falsifying their

testimony, which is not alleged by Judge Black. Neither has he even raised the issue that these persons knowingly testified falsely.

In light of this conundrum, your request that I produce evidence from an audio expert is untimely, and appears to place the burden of proof on the accused. To the contrary, it is the duty of the prosecutor to prove the allegations against the accused, and to supply, or at least infer a reasonable motive for the allegedly inappropriate conduct or actions.

However, in an effort to cooperate fully with your office, and to assist in an investigation of the alteration of the audio tapes, I respectfully request that your office take the following actions:

- IMPOUND the "original" audio tapes of the below-listed court proceedings to prevent the destruction of records.
- Have a COPY made from the ORIGINALS and delivered to my office. The content of the copied audio tapes should contain the entire content of the originals, without any pre-selection or omissions. The copied tapes should contain the records of other matters heard.
- Obtain copies of the running records from each of the court monitors/reporters for those tapes, and have them readily translated into readable text, English with Arabic numerals.

The audio tapes and running records that I am requesting are:

In the matter of –

"**Ternigan v. Hamoui**", DR-89-1459, audio tapes and running records for the following dates: September 24, 1997; June 18, 1999; October 20, 1999; January 12, 2000; October 2, 2000; October 20, 2000, and December 6, 2000.

In the matter of –

"**Slusaw v. Hoffman**", 1998-FC-1106, audio tapes and running records for the following dates: February 4, 2003; April 1, 2003; May 28, 2003; August 1, 2003.

The court has been successful in thwarting access to this information.

There should be no problem with your office preserving, protecting and obtaining these records since the Disciplinary Board is a component of the Supreme Court of Pennsylvania, and the Courts of Common Pleas throughout this Commonwealth are subordinate courts. Accordingly, The Supreme Court has authority to issue an order for the release of the materials needed to facilitate this investigation.

I will ensure that the audio expert receives a copy of the audio tapes. The audio expert will then conduct a forensic examination of several of these tapes and generate a report that specifically identifies where an audio tape has been altered, confirming my accusations.

The expert will submit a report and will appear before this Board to testify to his findings, as well as authenticating his credentials as an expert. He has asked that his name remain CONFIDENTIAL until the hearing.

Should your office determine that a disciplinary hearing is unnecessary, we will **presume** it is because there is insufficient evidence to support the allegation that I knowingly and recklessly accused the court of altering the audio tapes, and because I and my colleagues believe (or KNOW) that the audio records have been criminally altered.

Should your office decline, for any reason, to assist in the production of the materials requested, we can **presume** it is because a forensic examination of the audio tapes will confirm the truth of my accusations.

Thank you very much for your cooperation in preserving these records, and in obtaining the material evidence needed to establish conclusively that court records are edited prior to being transcribed.

Because Judge Black brought these charges against me, he and his colleagues are alleging that the audio tapes have not been tampered with, and therefore, they should have nothing to fear from a forensic examination of these audio tapes. They should not be permitted to deny access to the material evidence that will clear my name, even though the same evidence may incriminate them. Judicial officers, especially judges, must be held to a higher standard of performance if the public is to retain confidence in the integrity of the courts. In denying a forensic examination of the audio tapes in question, these judges undermine public confidence in the judicial system.

Thank you again for your efforts in this matter. If you have any questions, feel free to contact me. If you would like assistance in assuring that the copies are from an original, I offer my services.

Very truly yours,

s/ Eugene A. Wrona

APPENDIX J

Wrona Letterhead

December 5, 2003

TO: Richard A. Sheetz, Jr.
Office of Attorney General
Strawberry Square – 16th Floor
Harrisburg, PA 17120

RE: Disciplinary Board Complaint C2-03-688

Dear Assistant Executive Deputy Attorney General Sheetz;

I am in receipt of your response to my request for an investigation of criminal misconduct within the judicial system in Pennsylvania. Your response states your office will not undertake a criminal investigation of a renewed complaint, claiming that the Office of the District Attorney of Lehigh County reviewed this complaint in 1999 and concluded that no criminal activity occurred.

Your position is in error on three counts, and overlooks a critical new development.

First, the District Attorney's office did not review the original complaint. The District Attorney's Office excused any possible criminal activity on the grounds that the persons named in the complaint would have no reason to be involved in the alteration of court records. The District Attorney's Office constructed this false presumption to justify a "whitewash" of the charges.

Second, this is not a renewed complaint. My client attempted to file a similar charge against a second court for ***new occurrences*** of criminal alteration of court records. On both occasions he was DENIED his rights as a citizen to bring charges against persons committing criminal acts from within the judicial system. On these occasions, the Office of District Attorney of Lehigh County took a more aggressive

positic to thwart the filing of criminal charges. These events are d ented in my answer to the Disciplinary Board, which was sent to you. As an elected official charged with upholding the law, it can reasonably be argued that Lehigh County District Attorney James Martin failed to discharge his duties in accordance with his oath of office.

Third, a complaint to the Judicial Conduct Board would be fruitless. The accusations brought against the court are "criminal charges" which are de facto acts of judicial misconduct. The JCB would summarily dismiss this complaint absent an investigation by the County District Attorney. The Lehigh County DA has already demonstrated that he will not accept any charges that accuses a judge of any form of criminal misconduct. His office summoned the Lehigh County Sheriff to physically remove the party seeking to file criminal charges.

This is precisely the reason that I demanded that the Chief Law Enforcement Officer (Attorney General) of the Commonwealth initiate an investigation of these charges. The ultimate responsibility for ensuring that justice is fairly and honestly administered in Pennsylvania courts rests in the Office of D. Michael Fisher. This office also bears the burden to ensure that the courts operate according to law. When the courts alter records, "fair and honest" administration of the law has been discarded. Public trust has been violated.

The 'critical development' is the use of law enforcement [Sheriff's Deputies] to deny a citizen the right to bring criminal charges to the District Attorney. In obstructing the individual, the DA denied him equal protection of law, at the very least, a misfeasance of office.

Arguably, the Office of Attorney General has a duty to investigate the charges that a District Attorney interfered with a filing of criminal actions.

I respectfully request that your office reconsider its position and initiate a thorough investigation of these charges. It is quite conceivable that the public may hold Attorney General D. Michael Fisher accountable for his failure to investigate, allowing him to watch any future political aspirations wash down the drain.

It is quite conceivable that Attorney General Fisher will become a victim of this scandal just as Cardinal Law became a victim of the scandal in the Catholic Church. The similarities are too obvious to be overlooked as the following analogy attests.

- The criminal acts allegedly perpetrated are despicable, and have far-reaching effects.
- They are covert acts against naïve and unsuspecting victims.
- The crimes are perpetrated by persons in positions of trust and authority, persons presumed to be above such acts.
- The physical evidence is controlled by the perpetrators.
- Secrecy is their ally.
- Their superiors aid in concealing exposure of the truth to the public.

History has shown that an presumption that persons in these trusted positions are incapable of such conduct is a false presumption. These persons must be held accountable.

The parties accused as accomplices to criminal alteration of court records are trial court judges who are responsible to interface the law (doctrine) with the public (congregation). They have been accused of abusing their office, undermining public trust and confidence in the court and in the integrity of the judicial system. This is similar to those priests who molested young boys; abusing their office, committing criminal acts, and undermining trust and confidence in the church. The District Attorney's role is similar to the Bishop,

who undertook to cover-up complaints. Ultimately, the church scandal brought down Cardinal Law for aiding the cover-up.

Your office needs to inform the Attorney General that his role is comparable to that of Cardinal Law. If he chooses to stonewall these accusations against the court, when they do emerge and are shown to be truthful, the public will be justified in terminating his political career. We shall persevere in raising this issue before the public.

Your excuse for not conducting an investigation is untenable. The charges against the court are not limited to the complaint filed in 1999. Court records of bench hearings continue to be altered and were the basis for the efforts to file criminal charges in 2000. In support of those charges, two witnesses testified under oath that the transcribed record is inconsistent with the proceedings that they either participated in or that they witnessed. Similar charges of altering court records have been brought to my attention from other counties.

These crimes are ongoing, and the perpetrators evidently believe that they will be insulated and protected from discovery or accountability. I consider their actions to be acts of domestic terrorism that threatens our form of government. The public and our Constitution are victims of these crimes. Clearly, your office has a duty to the public to investigate these charges. Your initial answer is inadequate under the circumstances.

To paraphrase President George W. Bush, we will seek out the terrorists and those who harbor them. Those who harbor criminals (or terrorists) must be treated the same as the criminals. Neglecting a duty to investigate criminal charges against the court constitutes an act of harboring criminals.

I again plead with D. Michael Fisher, Attorney General of the Commonwealth of Pennsylvania, to conduct a thorough

investigation of the criminal alteration of court records in courts within this Commonwealth, beginning in Lehigh County.

Thank you for your efforts in this matter. I offer my services to assist in the investigation of these despicable acts perpetrated by alleged paragons of the legal community.

Very truly yours,

s/ Eugene A. Wrona

APPENDIX K

January 28th, 2000

Filed petition for audio transcript and carried same to Judge Black on above date.

Tipstaff took me into Judge's outer office where I waited for several minutes while he presented my petition ***.

After a few minutes, Diane Snell, Judge's court steno came in and went into the Judge's office. After only a few minutes, she asked me to come in.

After a polite greeting, Judge informed me he would not approve my request. His reasons were that Atty. Maurer should have equal access to the tape.

I told him that approving my petition would ensure that alteration of the tapes would not be possible after this date. It is an insurance policy against crime.

We discussed my reasons, especially that criminal misconduct took place in 1997, per my allegations.

J.Black said that my accusation that the tape was altered is inconceivable, or something to that effect. He told me that if I was dissatisfied with the "investigation", I could file for some kind of review ***. He also repeated J.Ford's denial stating that the stenographer's have no interest in the outcomes, and therefore would not alter the tape.

I responded that I never accused Susan Sherry, and in fact, dismissed her as a suspect.

I told him that at least 8 minutes of tape were missing, and there were at least 15 discrepancies. Material evidence was deleted or moved. I specifically mentioned "February 3rd,1997" as the date when Farouk and his wife "celebrated the birth of a daughter, *** that was deleted from the tape.

J.Black repeated the DA's phony assumption that the tape machine may have malfunctioned. Mss. Snell inserted that this has never happened. I thanked her for her candor.

I mentioned that February 3rd appears later in the Notes of Testimony after the Contempt hearing began. It was placed out of context.

By now, J.Black was not interested in discussing alteration of the audio tape.

He, at one point, alluded that I might take a copy, alter it to suit my needs, then claim that the Notes of Testimony are inaccurate. VERRY INTERESTING.

On the one hand, he stated that it is virtually impossible that the tape could be altered, then turns it around so that the accuser would become the guilty perpetrator.

He said that first, his stenographer should transcribe the tapes, which he would approve. ***

Mss. Snell said that I could listen to the tapes in her office, even if she is not there.

J. Black said that I might alter the tape while listening.

I suggested that Mss. Snell could copy the original, and let me "LISTEN" to it in the office, taking notes of the content, after which the COPY would remain with Mss. Snell.

I could not alter the original, as it would never be in my hands. The copy would be available *** anyone else.

I also stated that I would be willing to pay to have the copy placed in a sealed envelope for inspection if the subsequent Notes of Testimony differ from my notes and recollection.

J. Black was adamant that I not be given access to the official public record of either hearing until after it is transcribed. ***. He told Mss. Snell to make this a priority transcription, for both tapes. **********

After leaving the Judge's office, I spoke with Mss. Snell and suggested that she need only transcribe the Jan. 12th tape, as it is more recent, and I have a better recollection ***.

She said she would ask the Judge if that would be OK.

"***" indicates where Contemporary Notes are excerpted.

APPENDIX L

STATEMENT OF LAWS

CONSTITUTION OF PENNSYLVANIA

Article 1. DECLARATION OF RIGHTS
That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT -

Inherent Rights of Mankind
Section 1. All men are born equally free and inde-pendent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Article V. JUDICIARY
Right of Appeal
Section 9. There shall be a right of appeal in all cases to a court of record from a court not of record; and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, *** as provided by law; and there shall be such other rights of appeal as may be provided by law.

Article VI. PUBLIC OFFICERS
Oath of Office
Section 3. Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths.
[Oath Omitted]

The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected. Any person refusing to take the oath or affirmation shall forfeit his office.

PENNSYLVANIA STATUTES

18 Pa.C.S. § 2522. Oath of office.

Before entering upon the duties of his office, each attorney at law shall take and subscribe the following oath or affirmation before a person authorized to administer oaths:

[Oath Omitted]

Any person refusing to take the oath or affirmation shall forfeit his office.

18 Pa.C.S. §4911. Tampering with public records

(a) Offense defined--A person commits an offense if he:

knowingly makes a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;

makes, presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in paragraph (1) of this subsection; or

intentionally and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such record, document or thing.

(b) Grading. -- An offense under this section is a misdemeanor of the second degree unless the intent of the actor is to defraud or injure anyone, in which case the offense is a felony of the third degree.

CODE OF JUDICIAL CONDUCT

Canon 1. Judges should uphold the integrity and independence of the judiciary.

An independent and honorable judiciary is indispensable to justice in our society. Judges should participate in establishing, maintaining, and enforcing, and should themselves observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

Canon 3. Judges should perform the duties of their office impartially and diligently.

B. Administrative Responsibilities.

(4) Judges should not make unnecessary appoint-ments. They should exercise their power of appoint-ment only on the basis of merit, avoiding favoritism. They should not approve compensation of appointees beyond the fair value of services rendered.

RULES OF PROFESSIONAL CONDUCT

Rule 1.5. Fees. (a) A lawyer shall not enter into an agreement for, charge, or collect an illegal or clearly excessive fee. The factors to be considered in deter-mining the propriety of a fee include the following:

(4) the fee customarily charged in the locality for similar legal services;

Rule 3.3. Candor Toward the Tribunal.

(a) A lawyer shall not knowingly:

(1) make a false statement of material fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or

(3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence before a tribunal ***, and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, ***, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.

Rule 3.4. Fairness to Opposing Party and Counsel.

A lawyer shall not:

(a) unlawfully obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential eviden-tiary value or assist another person to do any such act;

(b) falsify evidence, counsel or assist a witness to testify falsely, pay, offer to pay, or acquiesce in the payment of compensation to a witness contingent upon the content of the witness' testimony or the outcome of the case; ***.

Rule 8.2. Statements Concerning Judges and Other Adjudicatory Officers.

A lawyer shall not make a false statements of fact concerning the qualifications of a candidate for election or appointment to judicial or legal office.

A lawyer shall not knowingly make false accusations against a judge or other adjudicatory officers. ***

Rule 8.3(b). Reporting Professional Misconduct.

(b) A lawyer who knows that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall inform the appropriate authority. ***

Rule 8.4. Misconduct.

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) engage in conduct that is prejudicial to the administration of justice;

***

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.